

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE

2 November 2009

Attendance:

Councillors:

Jeffs (Chairman) (P)

Baxter (P)
Busher (P)
Huxstep (P)

Lipscomb (P)
Ruffell (P)
Tait (P)

Others in attendance who did not address the meeting:

Councillor Howell (Ward Councillor for Kings Worthy)

Officers in Attendance:

Mr J Pinnock (Team Manager, Planning)
Ms J Lee (Principal Planning Officer)
Mr B Lynds (Planning Barrister)
Mr I Elvin (Highways Engineer)
Mr M Barnett (Enabling Officer)
Mr P Tidridge (Scientific Officer)

1. **CHAIRMAN'S ANNOUNCEMENT**

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

2. **37 WILLIS WAYE / MEADOWSWEET, KINGS WORTHY – CASE NUMBER 09/01407/FUL**

[\(Report PDC801 Item 1 refers\)](#)

The Chairman reminded the Sub-Committee that the application had been considered by the Planning Development Control Committee at its meeting held on 8 October 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 unable to determine the application without first visiting the site to assess the proximity of the development to the A34, vehicular access to the site (including access for emergency vehicles) and to assess the location of trees the applicant proposed to remove.

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 and was present at the subsequent public meeting.

At the site visit, the Sub-Committee assessed the proposed new access road to the site from Wills Way and the plans for the proposed replacement of 37 Willis Way. Members were also shown the ecological reserve, the emergency access from Mount Pleasant and the trees to be removed from the development area at Meadowsweet. The locations of the new dwellings adjacent to the boundary with the A34 were demonstrated and the changes to levels of the site and in far reaching views were observed. The Sub Committee also assessed noise levels throughout the site. The location of the adjacent Hampshire County Council Children and Older People facility at Merrydale was noted from the position of the existing Willis Way garage court area.

At the subsequent public meeting in the Guildhall, Winchester, Ms Lee reminded Members of the main issues regarding the application. She also advised that, subsequent to its publication, a correction was required to the Report. She clarified that the proposed development of 30 dwellings was to be of affordable tenures, apart from the replacement dwelling at 37 Willis Way, which was to be open market housing.

In summary, Ms Lee explained that it was proposed to redevelop the site for residential purposes with the erection of 30 dwellings with ancillary car parking, open space, landscaping and a nature conservation area. There was proposed to be 4no. one bedroom houses, 13no. two bedroom houses, 11no. three bedroom houses and 2no. four bedroom houses. The majority of private gardens were to be at the front of the dwellings, as the houses were intended to be used in part for the amelioration of the noise from the A34 to the remainder of the site.

Ms Lee also reminded the Sub Committee that vehicular access to the site was to be from Willis Way following the demolition of No. 37 Willis Way. Pedestrian links were to be provided to Willis Way and to Mount Pleasant. There was to be gated emergency vehicle only access via Mount Pleasant. The overall density of the development was to be 25 dwellings per hectare (dph).

The Sub Committee were reminded of the significant trees and belts of vegetation within the site. The trees that were to be removed (as observed at the site visit) had been approved by the Arboricultural Officer and were generally poor specimens, including a belt of non native conifers. Ms Lee indicated the substantial tree belt to the rear of the properties in Willis Way which was to be retained as an ecological reserve.

The various changes in levels within the site had been observed at the site meeting, and notably that the site was prominent in longer views across the valley towards the railway line. The character of the site and the surrounding area was well treed and generally more rural than suburban in character.

Finally, Ms Lee referred to the Sub Committee's observations with regard to traffic noise from the A34. She indicated that the Head of Environment was available to answer technical questions with regard to this.

The Chairman reminded that due to administrative error, two objectors to the proposals had been informed of an incorrect start time of the Planning Development Control Committee meeting on 8 October 2009. Therefore he had permitted that their representation would be heard by the Sub Committee. The applicant would also be given the right to reply, as supporters to the application.

County Councillor Jackie Porter and Mr Waterman spoke against the application and Mr Lowe (applicant's agent) spoke in support.

Responding to questions, Mr Elvin acknowledged that whilst Church Lane was narrow in places (approximately 4.3 metres at its narrowest point), this was still sufficient for two cars to pass each other at a reduced speed. Passing space was also adequate in Willis Way and he also confirmed that the new access route to the site met the relevant standards. With regard to the Hampshire County Council Transport Contribution policy, Mr Elvin confirmed that it was likely that developer's contributions from this scheme would be utilised towards road safety enhancements in the Kings Worthy area, including to the Cart and Horses junction (Worthy Lane/A34).

Ms Lee referred to the proposed housing density of the site. It was clarified that at 25 dwellings per hectare (dph), it was recognised that this was below the maximum that the Council normally allowed. However, this density included the undeveloped ecological area and, if this had been excluded, then the overall figure would have been closer to 30dph. The ecological area was required to preserve the habitat of protected species as well as to provide an important boundary between the existing houses in Willis Way and the proposed new development. Furthermore, the trees were important so as to preserve the rural aspect of the area when seen from far reaching views.

The Sub-Committee discussed the positioning of the majority of housing immediately adjacent to the boundary to the A34. Ms Lee explained that, in this position, the buildings would act as an acoustic barrier to the remainder of the site that would contain amenity space, including a local area of play.

Members raised concerns levels of noise at the site. Ms Lee acknowledged that this was a major factor in developing the site and that the overall design of the proposals aimed to mitigate this as far as was possible. Mr Tidridge confirmed that the proposed development had been assessed under PPG24 as a noise exposure Category C site, where planning permission should not normally be granted. However, he was satisfied that the proposed noise mitigation measures would in this instance reduce the significance of noise to allow planning permission to be granted.

A Member proposed that the Council should request that the Highways Agency replace the carriageway surface of the A34 at this location to a standard whereby noise levels would be reduced. Mr Lynds advised that as the Council was not the responsible authority for roads, it had limited powers to require improvements. However Mr Elvin could make representation to the Highways Agency requesting that they consider undertaking appropriate works as part of their general repairs scheduling. A condition to this affect was therefore not appropriate.

The Sub-Committee referred to representation from Hampshire County Council Children's Services who had requested that appropriate boundary treatment should be undertaken, as the development was close to a facility located in an adjacent property, Merrydale. Ms Lee clarified that following demolition of the garage block at this location; this highly vegetated area would be further secured with close-board fencing.

The Sub-Committee debated noise at the site and a Member asked whether alternative siting of the development had been considered. In response, Ms Lee advised that she was unaware of any other sites coming forward for similar development within the settlement boundary. Furthermore, the application was for a majority of affordable housing and had been a development opportunity undertaken in partnership with the Council, who owned the garage area. The development therefore could not be easily replicated elsewhere.

Ms Lee also stated that as long as sufficient mitigation measures were proposed to address the noise issues, there would be no reason to refuse the application with regard to this matter. She referred to Condition 17 that set out measures to protect the dwellings from noise from road traffic.

During debate, the Sub-Committee raised concerns of the noise at the site and questioned the adequacy of the proposed mitigation measures. For example, residents would not be able to open bedroom windows at night without experiencing unacceptable levels of noise. However, Members were also mindful that the noise levels throughout the site varied and, as observed at the site viewing, the positive impact of the use of buildings as an acoustic barrier.

Mr Lynds clarified that he was satisfied that Condition 17 offered sufficient control of the noise situation. It also gave the Council authority to ensure that various national and international standards were met. Further to this, the landlords of the new dwellings would also ensure that the mitigation measures were undertaken satisfactorily. He also confirmed that a Condition could not include review dates to take into consideration any increase (or decrease) of noise levels from the A34 over time. However, further to requests, it was agreed that Condition 17 be further enhanced with specific noise levels that should be achieved (and maintained) within properties and at specific points around the site.

At conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) set out in the Report, with

changes to Condition 17 as described above, with its exact wording delegated to the Head of Planning Management in consultation with the Chairman. Revised Condition 17 is set out below.

RESOLVED:

That, provided the applicant enters into legal agreements to secure the following:

Contributions towards funding Hampshire County Council's Highways scheme;
Contributions towards funding public open space;
Provision and retention of 100% affordable housing on the site;
Securing public footpath links across the site;
Future maintenance of common areas and wildlife areas.

Then planning permission be Granted, subject to the following conditions:

(Note: If the Legal Agreement is not completed within 6 months, then the application may be refused without further reference to Committee)

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 (1) of the Town and Country Planning Act 1990 (as amended).

2. A detailed drainage layout, long sections and specification for the foul and surface water sewers, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

NOTE: Entering into an Agreement with Southern Water Services Ltd, under Section 104 of the Water Industry Act 1991, shall be deemed to satisfy this condition.

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

3. An archaeological evaluation of the site, in accordance with a written scheme of investigation agreed in writing by the Local Planning Authority, shall be carried out by a archaeological organization agreed in writing with the Local Planning Authority, prior to any building, engineering or other operations hereby permitted, in order to compile archaeological records and to provide information to enable the design of an appropriate archaeological mitigation strategy.

Reason: To ensure that the archaeological interest of the site is protected.

4. No development, or site preparation prior to development which has any effect on disturbing or altering the level or composition of the land, shall take place within the site until the applicant (or their agents or successors in title) has secured and implemented a programme of archaeological work, in accordance with a written scheme of investigation to be submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological interest of the site is protected.

5. All work shall be undertaken in accordance with the EPR ecological assessment and mitigation strategy dated July 2009, and the addendum to this report and accompanying plan dated September 2009, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the ecological features of the site are protected during construction and thereafter retained.

6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro- geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The approved scheme shall include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the future maintenance of the surface water drainage system.

7. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference 7179-AIA-MW-13/07/09 written by Mark Wadey of Barrell Tree Consultancy and submitted to the Local Planning Authority, shall be installed prior to any demolition, construction or groundwork commencing on the site.

The Arboricultural Officer shall be informed once protective measures have been installed, so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with 7179-AIA-MW-13/07/09. Telephone 01962 848 403.

Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity

8. The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies, so that a pre-commencement site visit can be carried out. Telephone 01962 848 403.

Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity

9. No arboricultural works shall be carried out to trees, other than those specified, and in accordance with Method Statement 7179-AIA-MW-13/07/09.

Any deviation from works prescribed or methods agreed in accordance with Method Statement 7179-AIA-MW-13/07/09, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity

10. No development, or site preparation prior to operations, which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The Arboricultural Supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved Arboricultural Method Statement. Where ground measures are deemed necessary to protect root protection areas, the Arboricultural Supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority's Arboricultural Officer prior to the commencement of development work.

Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity.

11. Details of measures to be taken to prevent mud being deposited on the public highway from vehicles leaving the site during construction works shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

12. Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period.

Reason: In the interests of highway safety.

13. The proposed access and drive, including the footway crossing, shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot Bar End Road, Winchester, SO23 9NP, prior to the commencement of access works.

Reason: To ensure satisfactory means of access.

14. Before the development hereby approved is first brought into use, visibility splays of 2.4 metres by 45 metres shall be provided at the Willis Waye/Church Lane junction. The splays shall be kept free of obstacles at all times.

Reason: In the interests of highway safety.

15. Details of the width, alignment, gradient and type of construction proposed for the roads and footways, including all the relevant cross-section and longitudinal sections showing the existing and proposed levels, together with the details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure that the roads are constructed to a standard which may allow them to be taken over as a publicly maintainable highway.

16. All hard and soft landscape works shall be carried out in accordance with the approved details. 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.

17. Prior to any work commencing on site, details of a scheme for protecting the proposed dwellings from road traffic noise shall be submitted and approved in writing by the Local Planning Authority. Such a scheme shall ensure that upon completion of the development the following noise criteria are met:

- i. All bedrooms to achieve a 8 hour $L_{\text{aeq}, 23:00 \text{ to } 07:00}$ of 30dB(A)
- ii. All private amenity spaces to achieve a 16 hour $L_{\text{aeq}, 07:00 \text{ to } 23:00}$ of 55dB(A)

A noise validation report demonstrating compliance with these noise criteria shall be submitted and approved in writing by the Local Planning Authority before any dwelling is occupied. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded

18. Prior to the commencement of the development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall conform to current guidance and best practice, as set out in BS10175:2001 : Investigation of Potentially Contaminated Sites - Code of Practice and Contaminated Land Reports 7 to 11, or other supplementary guidance, and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:

- a) A desk-top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;
- c) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include the nomination of a suitably qualified person to oversee the implementation of the works.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants

19. Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provisions of Condition 18 c) shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the remedial strategy approved under the provisions of Condition 18 c) has been fully implemented, unless varied with the written agreement of the Local Planning Authority in advance.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

20. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings, along with details of any remedial action required (including timing provision for implementation), have been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

21. Prior to any work commencing on site, a Reptile Methods Statement, in accordance with Section 12.1.2 of the EPR report, shall be 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 that the ecology and protected species on site are protected during construction and thereafter protected, according to European Habitats Regulations.

22. Prior to any work commencing on site, a site management plan, detailing the ongoing required habitat management for protected species, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: To ensure that the protected species on the site are protected during construction and thereafter protected, according to European Habitats Regulations.

23. No development shall take place until details and samples of the materials to be used in the construction of all external surfaces and hard

surfaced areas 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. The materials should be natural slate with soft stock brick and timber windows and doors, in accordance with the approved plans.

Reason: To ensure that the development presents a satisfactory appearance, in the interests of the amenities of the area.

Informatives

1. This permission is granted for the following reason:

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.

2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:

Winchester District Local Plan Review 2006:
South East Plan 2009:

3. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, S023 9EH. Tel 01962 858 688 or email www.southernwater.co.uk.

4. In accordance with Environment Agency guidelines, all reasonable precautions should be undertaken to ensure that no pollutants enter the water-course.

5. An EPS bat licence from Natural England will be required in order for the works to be carried out.

The meeting commenced at 11.00am and concluded at 12.10pm.

Chairman