

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE

14 June 2011

Attendance:

Councillors :

Jeffs (Chairman) (P)

Berry (P)
Clear
Izard (P)
Laming
McLean (P)

Mitchell (P)
Pearce (P)
Read (P)
Ruffell (P)
Rutter (P)
Tait (P)

Officers in Attendance:

Mrs J Pinnock – Planning Management Manager
Mr N Parker – Principal Planning Officer
Ms F Sutherland – Planning and Information Solicitor

1. **CHAIRMAN'S ANNOUNCEMENT**

The Sub-Committee met at Winchester Guildhall, where the Chairman welcomed to the meeting four members of the public along with representatives of the applicants.

2. **DECLARATIONS OF INTERESTS ETC**

Councillor Pearce explained that he had been unable to attend the informal site visit for the application held prior to this meeting. However, he explained that he had visited the site earlier both from the road and neighbouring properties and was satisfied that he had sufficient knowledge and understanding of the site to determine the application. Therefore Councillor Pearce spoke and voted thereon with the agreement of the Sub-Committee.

Councillor McLean declared a personal (but not prejudicial) interest in respect of Item 1 as he was a member of Bishops Waltham Parish Council at the time that it had considered the proposal. However, he had not heard the officer's presentation at that time and he therefore spoke and voted thereon.

3. **DEVONIA, RARERIDGE LANE, BISHOPS WALTHAM – CASE NUMBER 11/00057/FUL**
[\(Report PDC898 Item 1 refers\)](#)

The above application had been referred to the Sub-Committee for determination by the Planning Development Control Committee, at its meeting held 26 May 2011. The Committee had agreed that it was unable to determine the application without first visiting the site, to assess whether the proposal would reflect the character of the area and to view the proposed access to, and egress from the site to Rareridge Lane.

Therefore, prior to this meeting, the Sub-Committee informally visited the site in the company of officers and representatives of the applicant (who facilitated access to the site). On site, the Sub-Committee noted:

- The proposed access to, and egress from the site to Rareridge Lane, adjacent to Devonian.
- The view of the site from Rareridge Lane and from neighbouring gardens.
- The Hazeldene development adjacent to the boundary with Jedburgh close to the site.

A full presentation had been given at the Planning Development Control Committee meeting on 26 May 2011, where the Committee had also heard public participation. Therefore, in accordance with procedure, the presentation at the Sub Committee was limited to a summary of the key issues and there was no repeat of the public participation period.

The Head of Planning Management drew attention to the update sheet, which was circulated at the meeting (copy on the application file). Since publication of Report PDC898, a noise assessment report had been submitted. This had concluded that impact of the noise associated with vehicle movements along the proposed access drive to the occupants of Devonian would be negligible. The Head of Environmental Protection had concurred with the methodology used in assessing the noise impact and of its conclusions. Therefore, it was recommended that reason for refusal 2 as set it in the Report be removed. This was noted.

The Head of Planning Management also advised that with regard to the applicant's 3D image of the site (as submitted as part of the application), plots 8 and 9 omitted to show the following items when compared to other plans submitted:

- Three windows omitted from the south east elevation of plot 8 at the ground and first floor levels.
- Dormer windows (serving an ensuite bathroom) omitted from south west elevation facing the adjacent property, Egmont.

Notwithstanding these omissions from these images, it was confirmed that the correct plans had been assessed in relation to neighbouring residential amenity and that the impact on residential amenity was acceptable.

The Head of Planning Management reminded the Sub Committee that the proposal as outlined in the Report proposed the erection of 5 no. two bedroom and 4 no. four bedroom dwellings, with associated parking, garages and bicycle sheds, and would encompass land from four existing back gardens. The existing house, Devonian would be retained as part of the scheme.

Reference was also made to the Planning Inspector's appeal report that upheld the decision to refuse planning permission for a previous development at the site. The Sub-Committee noted the main differences between the two proposals. In summary, the current scheme was for fewer dwellings (nine houses as opposed to twelve) which included the retention of Devonian, which was previously to have been demolished as part of the rejected proposal. The design of the latest scheme also meant that buildings would generally not face existing neighbours and would be a more spacious development overall, with larger gardens.

However, the Sub Committee was reminded that the latest application had not addressed the substantive reasons given by the Inspector to reject the original scheme - i.e. that the development did not integrate or respond positively to the character of the area and so was likely to cause it material harm. Therefore, the application was recommended for refusal.

During questions, the Sub-Committee referred to the existing higher density development at Hazeldene, which was located close to the development site. It was confirmed that the density of that development was approximately 30 dwellings per hectare, compared to 18 for the current application. The Head of Planning Management explained that, whilst both sites were within the development boundary (and so the principle of development was accepted), the scheme to the rear of Devonian was judged to be detrimental to the character of the area. It was explained that Hazeldene was seen to offer better 'synergy' with the higher density of the centre of Bishops Waltham located immediately to the west, by providing a gradual transition towards the east along Rareridge Lane, to more spacious plots and countryside.

The Head of Planning Management also acknowledged that the application would include two and four bedroom homes and that the Parish Council had expressed concern that it did not propose three bedroom dwellings, for which there was a demand within Bishops Waltham. However, whilst the Blueprint exercise may eventually reflect that need, the existing policies of the published Winchester District Local Plan were currently material and therefore the mix of dwellings proposed were acceptable.

It was also clarified that the Hampshire County Council Ecologist had assessed the site and had concluded that the impact of the development on ecology would not be enough to substantiate a reason for refusal. However, a

recommendation should be added to ensure the protection of existing species found at the site.

The Sub-Committee discussed the access and egress to the site. It was noted that, although the County Highways Officer had acknowledged that the driveway was narrow, it was still considered acceptable and that it would not have a negative impact on highway safety. Therefore, an objection to the application on highway grounds could not be sustained. It was explained that this route would be a shared surface and that there was no requirement for a pavement. Members were also reminded that the impact of the noise associated with vehicle movements along the proposed access drive had also been assessed, and was acceptable.

Further to a Member's request, it was explained that landscaping details along the driveway could be required by a condition, to ensure that it was appropriate and did not cause obstruction to the driveway. An arboricultural method statement would also ensure that construction would have regard to root protection zones for trees at the site, although it was likely that some thinning of branches would be required.

Prior to the conclusion of debate, the Sub Committee expressed some reservations about the narrow access and egress driveway to the site, but had regard to the conclusions of the County Highways Officer that this was acceptable.

Members also referred to the Planning Inspector's previous reasons for refusal (as described above) and concluded that the revised application as set out was acceptable, as it would not materially harm the character and appearance of the area.

The Sub Committee was satisfied that, by way of its built form and its spatial characteristics, the proposals would not interrupt the transition from the higher density development in the centre of Bishops Waltham immediately to the west, to the lower density moving eastwards along Rareridge Lane. Members were also satisfied that the application had also addressed previous concerns about the development having a detrimental impact on the residential amenity of existing neighbouring properties.

Therefore, at the conclusion of debate, the Committee did not support the recommendation set out in the Report for the above reasons and instead agreed to grant planning permission, subject to a s106 obligation to secure the financial contributions for open space and transport, with authority being delegated to the Head of Planning Management (in consultation with the Chairman) to set appropriate conditions.

RESOLVED:

That, for the reasons as set out, planning permission be granted subject to a s106 obligation to secure the financial contributions for open space and transport and subject to the conditions to be

determined by the Head of Planning Management (in consultation with the Chairman).

The meeting commenced at 11.00am and concluded at 12.15pm.

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE : VIEWING SUB COMMITTEE MEETING

DECISION

14.06.2011

PART II DEVELOPMENT CONTROL APPLICATION
AND DECISION THEREON

Bishops Waltham

Ward

Bishops Waltham

1 Conservation

Area:

Case No: 11/00057/FUL

Ref No: W12810/04

Date Valid: 12 January 2011

Grid Ref: 456339 117591

Team: WEST

Case Officer: Nick Parker

Applicant: Burton Property Ventures Ltd

Proposal: Erection of 5 no. two bedroom and 4 no. four bedroom dwellings with associated parking, garages and bicycle sheds (RESUBMISSION) (AMENDED DESCRIPTION)

Location: Devonla Rareridge Lane Bishops Waltham Southampton Hampshire SO32 1DX

Officer REF

Recommendation

:

Committee Decision:

RECOMMENDATION OVERTURNED:

Permission be GRANTED subject to the applicant entering into a legal agreement in respect of financial contributions for £19,934 (Public Open Space Contribution), and for £40,553 (Highways Contribution Policy) and subject to the following condition s:

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

Conditions/Reasons

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

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

3 No development shall take place until full details of a scheme for the storage and disposal of refuse; details of the finished ground floor levels of the proposed buildings together with the relationship of the levels to the levels of any existing adjoining buildings and to the contours to be formed and earthworks to be undertaken. The works shall 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 agreed with the local planning authority.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

4 The development hereby approved shall be implemented in accordance with the approved landscape strategy plan 1810-102 Rev A (June 2011) unless otherwise agreed in writing by the local planning authority.

Reason: To improve the appearance of the site in the interests of visual amenity.

5 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

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

6 Detailed proposals for the disposal of foul and surface water in a sustainable way shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. Permeable paving shall be used on all drives and hardstandings unless otherwise agreed in writing by the local planning authority. The approved details shall be fully implemented before the dwellings are occupied.

Reason: In order that the development is drained in a sustainable manner to conserve water

7 The development hereby approved shall be implemented in accordance with the approved Ecological Statement comprising the Reptile Mitigation Strategy, Bat Tree Re-assessment and removal of Schedule 9 plant species (January 2011) unless otherwise agreed in writing by the local planning authority.

Reason: In order to protect and enhance the biodiversity interests of the site.

8 Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference 9341-AIA2-PB dated 10th January 2011 written by Phillip Brophy of Barrell Tree Consultancy and updated by his letter of 24th February 2011 ref. 9341-Let1-PB and amended tree protection plan ref. BT3 approved by 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 9341- AIA2-PB. Telephone 01962 848317. 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 848317. No arboricultural works shall be carried out to trees other than those specified and in accordance with Method Statement 9341-AIA2-PB and Tree Protection Plan BT3. Any deviation from works prescribed or methods agreed in accordance with Method Statement 9341-AIA2-PB and Tree Protection Plan BT3 shall be agreed in writing to the Local Planning Authority.

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

9 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 Arboricultural Officer prior to commencement of development work.

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

10 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway 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

11 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 construction period.

Reason: In the interests of highway safety

12 Before the development hereby approved is first brought into use, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles at all times. No structure, erection or vegetation exceeding 0.6 metres in height above the level of the adjacent highway shall be permitted within the splays.

Reason: In the interests of highway safety

13 The garages and car parking spaces hereby approved shall not be used for any other purpose than the parking of cars.

Reason: In the interests of highway safety

14 Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has 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. NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance

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

15 The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: To ensure a sustainable development

16 The first floor windows in the south east elevation of the plot 8 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 at all times.

Reason: To protect the amenity and privacy of the adjoining residential properties.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the south west elevations of plots 1 and 9, the north west elevation of plot 2 and the south east elevation of plot 8 hereby permitted.

Reason: To protect the amenity and privacy of the adjoining residential properties.

Informatives

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-

South East Plan 2009:
Policies SP3 (urban focus for development)

Winchester District Local Plan Review
Policies DP3 (general design criteria), DP9 (social and physical infrastructure), H3 (defined housing boundaries), H7 (density and housing mix), RT4 (provision of open space), T1 (public transport, cycling and walking), T2 (access), T4 (parking standards), T5 (off-site contributions).

2. This permission is granted for the following reasons:
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.

3. Demolition or construction works shall not taken place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays nor at any time on Sundays or bank Holidays
