

PLANNING (VIEWING) SUB-COMMITTEE

1 November 2017

Attendance:

Councillors:

Ruffell (Chairman) (P)

Clear
Evans
Gottlieb
Izard (P)

Jeffer (P)
Laming (P)
Read (P)
Tait (P)

Deputy Members:

Councillor Berry (Standing Deputy for Councillor Gottlieb)

Officers in attendance:

Mrs J Pinnock – Head of Development Management
Ms F Sutherland – Planning and Information Solicitor
Katie Nethersole – Senior Planning Officer

1. **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

2. **Proposed new 4 no. bedroom property with associated amenity space, within existing boundary adjacent to an existing bungalow. (AMENDED PLANS RECEIVED 28 JULY 2017). - Patchings, Legion Lane, Kings Worthy**
Case number: 17/00829/FUL

(Extract from Report PDC1096 Item 2 and Update Sheet of 17 October 2017 and 1 November 2017 refers).

At its meeting held on 17 October 2017, the Planning Committee agreed that the above application be referred to the Planning (Viewing) Sub-Committee for determination in order to allow Members to observe the site to gain a better appreciation of the proposed dwelling's design in the context of its setting.

Public participation had taken place at the aforementioned meeting of the Committee where Andrew Salter and Ian Gordon (Kings Worthy Parish Council) spoke in objection to the application and answered Members' questions thereon.

Therefore, immediately prior to the public meeting, the Viewing Sub-Committee visited the application site where Members observed the site in order to gain a better appreciation of the proposed dwelling's design in the context of its setting.

The site visit was attended by Members present on the Committee, with the exception of Councillor Laming who explained that he had visited the area recently and considered that he had sufficient knowledge of the area and site to determine the application.

The Head of Development Management presented the application to re-familiarise Members with the proposal and stated that the application had been taken to the Planning Committee for determination with a recommendation to grant permission.

The Head of Development Management referred to the Update Sheet (1 November 2017) which stated that the Officers were aware of email correspondence between the applicant and a local resident regarding the proposal and that Members had also been sent correspondence in connection with this case. The correspondence had been viewed by Officers and did not raise any new material planning matters that were not already covered in the Report and the original Update Sheet of 17 October 2017.

The 17 October Update Sheet made reference to additional sections on pages 3 and 6 of the Report setting out the comments of the Rights of Way Officer. Additional conditions were also included as follows: Condition 15 relating to the submission of a traffic management system; condition 16 relating to a walk over condition survey of the local highway network and the access to the site, and condition 17 relating to the submission of a plan indicating the positions, design, materials and type of boundary treatment to be erected. Further, additional informatives were also included on page 11 of the report relating to Hampshire County Council in its role as Highway Authority.

At the conclusion of debate, the Sub-Committee agreed to grant planning permission for the reasons (and subject to the conditions and informatives), set out in the Report and as per the Update Sheet dated 17 October 2017.

RESOLVED:

That the application be permitted subject to the following conditions:

Conditions

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

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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

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

03 The dwelling hereby approved shall be constructed in strict accordance with the following plans:

Drawing no. P683 500 Rev A Proposed Block Plan

Drawing no. P683 700 Rev A Proposed Elevations

Drawing no. P683 701 Rev A Proposed Elevations

Drawing no. P683 503 Rev A Proposed Lower First/ First Floor Plan

Drawing no. P683 502 Rev A Proposed Lower Ground/ Ground Floor Plan

Drawing no. P683 504 Rev A Proposed Roof Plan

Drawing no. P683 601 Rev A Proposed Section CC

Drawing no. P683 602 Rev A Proposed Long Section DD and EE

Drawing no. P683 600 Rev A Proposed Sections AA and BB

Drawing no. P683 501 Rev A Proposed Site Plan

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

04 Protective measures, including fencing, in accordance with the Arboricultural Impact Appraisal and Method Statement - Ref: Arboricultural Impact Assessment and BS5837 Tree survey, Method Statement and Tree Protection Plan written by CBA Trees, Ref no, CBA10630 v1, Feb 2017 and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

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

05 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 Ref: Tree Protection Plan written by CBA Trees, Ref no, CBA10630 v1, Feb 2017 Telephone - Tree Officer. 01962 848210

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

06 No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Report submitted by CBA Trees ref no CBA10630 v1 Feb 2017

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

07 Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Appraisal and Method Statement Ref: CBA Trees ref no CBA10630 v 1 Feb 2017, shall be agreed in writing to the Local Planning Authority.

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

08 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.

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

09 Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data) demonstrating that all homes meet the equivalent Code 4 standard for energy (as defined by the ENE1 and ENE2 in the Code for Sustainable Homes) and the Code 4 standard for water (in the form of a BRE water calculator) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

09 Reason: To ensure that the proposal complies with Policy CP11 of the Local Plan Part 1.

10 Prior to the occupation of the development hereby permitted detailed information (in the form of SAP as built stage data) demonstrating that all homes meet the equivalent of Code 4 standard for energy (as defined by the ENE1 and ENE2 in the Code for Sustainable Homes) and the Code 4 standard for water (in the form of a BRE water calculator) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

10 Reason: To ensure that the proposal complies with Policy CP11 of the Local Plan Part 1.

11 No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.

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

12 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the

opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

13 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.

13 Reason: In the interests of highway safety.

14 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.

14 Reason: In the interests of highway safety.

15 Before development commences a traffic management system shall be submitted to and approved in writing and fully implemented throughout construction.

15 Reason: To ensure the safety and convenience of users of the public right of way

16 Prior to the commencement of construction, a walk over condition survey (Including photographic record) of the local highway network and the access to the site will be undertaken and approved in writing by the Local Planning Authority. This will be followed by a further condition survey, covering the same extent as previously, to be undertaken following the completion of construction surveys and prior to the occupation of the dwellings hereby permitted in order to identify and agree any remedial works reasonably attributable to construction activities. These remedial works to be undertaken prior to the occupation of the dwellings hereby permitted.

16 Reason: To ensure the safety and convenience of users of the public right of way.

17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed

before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

17 Reason: In the interests of the visual amenities of the area.

Informatives:

In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,

- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

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.

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

Local Plan Part 1 - Joint Core Strategy: MTRA2, CP11, CP13
 Local Plan Part 2 - Development Management and Site Allocations:
 DM16, DM17
 SPD High Quality Places

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. 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.

During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.

There must be no surface alterations to the right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under S131 Highways Act 1980, and we would therefore encourage the applicant to contact us as soon as possible to discuss any works of this nature.

Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.

No builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.

If there is likely to be an effect on the right of way in terms of dust, noise or other obstruction during the period of the works, we suggest that a Health and Safety Risk assessment be carried out, and if there is deemed to be a risk to users of the right of way, the applicant should contact the County Council directly to discuss the Temporary Closure of the route for the duration of the works. Temporary Closure Orders should be applied for at least 6 weeks prior to the commencement of works and details of how to apply can be found at <http://www3.hants.gov.uk/row/making-changes/temp-closures.htm>.

Hampshire County Council, as Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a right of way to a standard commensurate with its expected normal public use.

All vehicles, including those of contractors and deliveries, which would be accessing the site via a public right of way, should give way to public users at all times.

Any damage caused to the surface of the public right of way by construction traffic will be required to be restored to the satisfaction of the Rights of Way Officer, to not less than its minimum width, on the completion of the build.

The meeting commenced at 10.30am and concluded at 10.45am

Chairman