

**PLANNING (VIEWING) SUB-COMMITTEE**

**17 November 2016**

Attendance:

Councillors:

Ruffell (Chairman) (P)

Bell  
Griffiths (P)  
Izard  
Laming (P)

McLean (P)  
Read (P)  
Tait (P)

Officers in attendance:

Mrs J Pinnock – Head of Development Management  
Ms F Sutherland – Planning and Information Solicitor  
Mr N Culhane – Highways Engineer

1. **APOLOGIES**

Apologies for absence were received from Councillors Bell and Izard.

2. **DISCLOSURES OF INTEREST**

Councillor McLean declared a personal but not prejudicial interest in respect of Item 2 (Land to the West and Land to the East of Tangier Lane, Bishops Waltham) as he was acquainted with the land owner. He spoke and voted on the matter thereon.

3. **(ADDITIONAL DETAILS SUBMITTED 01.09.16) ERECTION OF 66 DWELLINGS WITH ASSOCIATED ACCESS VIA TANGIER LANE, ASSOCIATED PARKING, LANDSCAPING AND PUBLIC OPEN SPACE (PHASE 2). (OUTLINE APPLICATION CONSIDERING ACCESS) (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) – LAND TO THE EAST OF TANGIER LANE, BISHOPS WALTHAM CASE NUMBER: 16/01327/OUT**

(Extract from Report PDC1067 Item 2 and Update Sheet of 27 October 2016 refers).

At its special meeting held on 27 October 2016, the Planning Committee agreed that the above application be referred to the Planning (Viewing) Sub-Committee for determination in order to allow Members to assess the measurements of the carriageway and view access for the proposal, in context with the use of the existing access at Tangier Lane.

Public participation had taken place at the aforementioned meeting of the Committee where Richard McDonald spoke in objection to the application and John Calcutt (applicant) spoke in support of the application.

Therefore, immediately prior to the public meeting, the Viewing Sub-Committee visited the application site. Members assessed the length and width of the highway access to the north of the application site and gave consideration to the plans submitted by the applicant setting out the existing 4.3 metre wide track extending to a 4.8 metres carriageway with 1.8 metre footway provision with varying width margin to the most westerly part of the site.

The Head of Development Management presented the application to re-familiarise Members with the proposal and clarified that the application had been taken to the Planning Committee for determination with a recommendation to grant permission, subject to various conditions and informatives as set out in the Report and as per the Update Sheet.

In response to Members' questions, the Highways Engineer clarified that the width of car measurements referred to in the supporting information (submitted by Vectos) related to the body of the vehicle, excluding the wing mirror width. However, with this in mind the carriageway would still allow for a large HGV and a large estate vehicle to pass one another. This was deemed acceptable on highway grounds.

At the conclusion of debate, the Committee agreed to grant permission for the reasons and informatives set out in the Report and as per the Update Sheet, as reproduced in the resolution below, with the exact wording of conditions delegated to the Head of Development Management for finalisation, in consultation with the Chairman.

**RESOLVED:**

That the application be permitted, subject to the following condition(s), the amendments as set out in the Update Sheet dated 27 October 2016 and legal agreement to secure the following:

- 40% affordable housing;
- Management of open space;
- Highway works;
- Public access to all footpaths/cycle ways
- Contributions towards strategic footpath and cycleway

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

### **Conditions**

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provision of Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the following amended plans and documents;

- 'Illustrative Site Layout Plan' submitted on 02.09.2016 labelled drawing no: '2064-C-1007-G'
- 'Illustrative Landscaping Master Plan' submitted on 05.09.2016 labelled drawing no: '2583-LA-11 Rev P1'
- 'Addendum Design and Access Statement' submitted on 01.09.2016

Reason: To define the scope of this permission to comply with Section 91 of the Town and Country Planning Act 1990.

4. The number of dwellings permitted to be constructed at the site shall be 66.

Reason: To accord with the emerging Policy CC1 of the Winchester Local Plan Part 2 and to define the scope of this permission.

5. The dwellings permitted to be constructed at the sites shall not exceed 2 ½ storeys in height.

Reason: In the interests of local amenity and to define the scope of this permission

6. The number of car parking spaces for the residential development shall comply with the requirements set out in the Winchester City Council Parking Strategy 2014-2018, or any replacement requirement in force at the time of the Phase application.

Reason: For the purposes of sustainability and to define the scope of this permission.

7. Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced. Plans and particulars of the reserved matters shall be submitted to and approved in writing by the Local Planning Authority. The reserved matters details shall be carried out as approved and fully implemented before the buildings are occupied: The plans and particulars shall specify the following detailed proposals:
  - a) The layout, siting and scale of all buildings and structures, including the finished levels (above ordnance datum) of both the ground floor of proposed buildings and the surrounding ground levels;
  - b) The design and external appearance of all buildings and structures, including details of the colour and texture of external wall and roof materials to be used, with samples and/or sample panels of the materials to be made available and/or constructed on site for inspection by the Local Planning Authority where directed. This shall include the following external materials and detailing:
    - The roofs materials on all buildings shall be clay plain tiles and/or natural slates.
    - Where hipped roofs with clay tiles are proposed then clay bonnet hip tiles shall be used.
    - The roof materials of porches shall be the same as those proposed on the host building or they shall be lead or an alternative metal. No GRP shall be used.
    - The eaves and bargeboard details shall be a matt dark grey or matt black colour.
    - All rainwater goods shall be black.
    - Window frames and door frames shall be recessed by a minimum of 75mm.
    - Window frames and door frames and doors shall be timber or metal.
    - Garage doors shall be of a vertical slatted design.
    - Brick elevations shall be of a 'soft stock' type.
    - Only 'natural' timber cladding shall be used on elevations.
    - Only clay plain tiles shall be used on elevations.
    - Where garden boundaries are adjacent to the public realm they shall be constructed as walls.

- The external materials of the chimneys shall be the same as those used on the host building and no GRP shall be used.
- c) 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.
- d) Hard and soft landscape details including:
- i. a landscape design showing the planting proposed to be undertaken which shall include eight Heavy Standard Oak trees to be planted behind the existing avenue of trees on Winchester Road. All planting must conform to the British Standard for planting BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations;
  - ii. the materials to be used for paved and hard surfaces including finished ground levels, the location and design of street furniture, signs, lighting, refuse storage units and other minor structures to be installed thereon;
  - iii. contours for all landscaping areas;
  - iv. details of all trees, bushes and hedges which are to be retained;
  - v. the position, design and materials of all proposed boundary treatments (including all walls, fences and other means of enclosure);
  - vi. tree pit details, sections and detail plans showing how any street tree planting will thrive and grow without lifting adjoining paving;
  - vii. the location of all landscape planting in relation to existing and proposed underground services;
  - viii. planting plans and schedules of plants, noting species, sizes and numbers/densities of the trees and shrubs to be planted;
  - ix. lighting to roads, footpaths and other public areas, and
  - x. a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment);
  - xi. detailed plans, sections and supporting technical reports defining the footpath/cycleway route and links to the Sawmill Tollgate Site, the Vineyard site, Winchester Road, the informal open space to the south, and anywhere else on site where this route would affect trees or the Park Lug. For the link between BW4 and BW5 these details need to comply with - LPP2 supporting

document 'Park Lug potential crossing area between BW4 and BW5'.

The particulars submitted in relation to the soft landscape plans shall include:

- e) a plan showing the location of, and allocating a reference number to, each existing tree which has a stem with a diameter (when measured over the bark at a point 1.5 metres above ground level) exceeding 75mm, identifying which trees are to be retained and the crown spread of each retained tree;
- f) details of the species, diameter (when measured in accordance with (1) above), approximate height and an assessment of the health and stability of each retained tree details of any proposed topping or lopping of any retained tree;
- g) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree.

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 satisfactory comprehensive development and proper planning of the area.

8. The reserved matters application shall be accompanied by:
- a) A detailed surface water and foul drainage scheme. The scheme shall include detailed engineering plans, supporting calculations, materials plans and cross sections for all required infrastructure and details of measures to be taken to divert the public foul sewer. The scheme shall be managed and maintained in accordance with the approved details.
  - b) Details of the provision being made for the storage of waste
  - c) A Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:
    - Measures to be undertaken to minimise impacts on surrounding land.
    - Timetable and dates for stages of the development, including land restoration at the completion of construction works.

- Measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway.
- Provisions to be made for the parking and turning of operative and construction vehicles during the period of development including times of movement so as to avoid peak period traffic, neighbour notification, use of pointsmen etc.
- Dust suppression, mitigation and avoidance measures.
- Measures for minimising construction waste and provision for the re-use and recycling of materials.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- A traffic management plan for construction vehicles entering and leaving the site, including times of movement so as to avoid peak period traffic, neighbour notification, use of pointsmen etc.
- Floodlighting and security lighting. (note: this must be directed in such a way as not to cause nuisance to adjoining properties or adjacent highway).
- Code of Construction Practice for all works and operations on the site.
- Measure to be taken to prevent contaminants from entering watercourses or the water environment and to protect drainage infrastructure.
- Use of fences and barriers to protect adjacent land, footpaths and highways.

The Construction management plan shall be adhered to throughout the duration of the construction period.

- d) A statement demonstrating that all homes meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes).
- e) A comprehensive Habitat Management Strategy document that combines all ecological issues including compensation and mitigation.

Reason: To ensure that all demolition and construction work in relation to the application does not cause materially harmful effects on nearby land, properties and businesses and to ensure satisfactory comprehensive development and proper planning of the area.

- 9. No development shall commence until such time as further details of the access arrangements for the site access onto Tangier Lane as shown in principle from the submitted Illustrative Site Layout Plan labelled drawing no: '2064-C-1007-G' have been submitted to

and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety

10. Prior to the commencement of the development hereby permitted full details (in the form of (the siting of all buildings and the means of access thereto from an existing or proposed highway, including the layout, construction and sightlines) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interest of highway safety

11. Prior to the commencement of the development hereby permitted full details (demonstrating the provisions to be made for the parking, turning, loading and unloading of vehicles (including cycle parking provision) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in the interest of highway safety

12. The detailed plans hereby approved shall include access and parking facilities for disabled people, and the use [of the buildings] hereby permitted shall not commence until these facilities for the disabled have been provided in accordance with plans and specifications approved in writing by the Local Planning Authority.

Reason: To ensure adequate access provision for disabled persons

13. Prior to the commencement of the development hereby permitted full details (demonstrating the provisions to be made for contractors vehicles parking and plant, storage of building materials and any excavated materials, huts and all working areas) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in the interest of highway safety

14. No development/demolition or site preparation shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological mitigation work in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in



writing. No demolition/development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the LPA. The Written Scheme of Investigation shall include:

- The programme and methodology of site investigation and recording
- Provision for post investigation assessment, reporting and dissemination
- Provision to be made for deposition of the analysis and records of the site investigation (archive)
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations

15. Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the local authority.

Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available

16. No development shall take place unless otherwise agreed in writing until 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 BS10175:2011 Investigation of potentially contaminated sites - code of practice; CLR 11 - Model procedures for the management of land contaminations; or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the LPA:

- a) An additional site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Hydrock desk study and ground investigation report (Ref: R/151345/001 Rev 2; May 2016);
- b) 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 scheme shall include 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

17. Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person nominated in the approved remedial strategy shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the approved remedial strategy has been implemented fully, 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.

18. 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 with 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), 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.

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

19. No development shall commence until full details of means of surface water drainage to serve the development shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development. The scheme agreed shall be implemented strictly in accordance with such agreement unless subsequent amendments have been agreed with the Local Planning Authority.

Reason: To ensure that the development is properly drained

20. No development shall commence until full details of the proposed means of foul and surface water sewage disposal have been submitted to and agreed in writing by the Local Planning Authority prior to works commencing on development.

Reason: To ensure that the development is properly drained

**Informatives:**

1. Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.
3. The presence of European protected species, such as bats, is a material consideration in the planning process and the potential impacts that a proposed development may have on them should be considered at all stages of the process. Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them. In the event that this occurs, it is advised that the developer stops work immediately and seeks the advice of the local authority ecologist and/or the relevant statutory nature conservation organisation (e.g. Natural England). Developers should note that it is a criminal offence to deliberately kill, injure or capture bats, or to deliberately disturb them or to damage or destroy their breeding sites and resting places (roosts). Further works may require a licence to proceed and failure to stop may result in prosecution.
4. The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981, and the Countryside & Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD. Their telephone number is 0845 1300 228.
5. 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.

6. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice on this please refer the Construction Code of Practice considerate practice:

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

The meeting commenced at 11.00am and concluded at 11:20am

Chairman