

PLANNING DEVELOPMENT CONTROL COMMITTEE

8<sup>th</sup> December 2004

OUTLINE PLANNING APPLICATION FOR MIXED USE DEVELOPMENT TO INCLUDE 29 NO. DWELLINGS, 5574 METRE SQUARED OFFICES/R AND D (B1), VARIOUS CAR PARKING, LANDSCAPING AND ALTERATIONS TO EXISTING ACCESS AT PEEK PLC, LONDON ROAD, HEADBOURNE WORTHY.

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

Contact Officer: Sylvia Leonard Tel No: 01962 848575

RECENT REFERENCES:

W00519/21 – Outline planning application for mixed use development to include 25 no. dwellings, 5575 metre squared offices/ R and D, various landscaping and alterations to existing access – Refused 22<sup>nd</sup> June 2004

W00519/22 – Outline planning application for mixed use development to include 29 no. dwellings, 5574 metre squared offices/ R and D (B1), various car parking, landscaping and alterations to existing access – submitted 24<sup>th</sup> September 2004

Planning Development Control (Peek Plc, Headbourne Worthy) Sub-Committee Minutes of Meeting of meeting held 22<sup>nd</sup> November 2004

EXECUTIVE SUMMARY:

This is the second application Oceanic Estates Ltd have submitted on the application site at Peek Plc, London Road, Headbourne Worthy, Winchester'. The previous outline application was for a mixed use development to include 25 no. dwellings, 5575 metre squared offices/ R and D, various landscaping and alterations to existing access. That application was refused under officers' delegated powers on 22<sup>nd</sup> June 2004. It is currently at appeal with a 2 or 3 day Public Inquiry likely to take place in September 2005.

A revised application has been submitted, following discussions with planning officers to overcome the concerns with the previous scheme. The application seeks outline consent for a mixed use development to include 29 no. dwellings, 5574 metre squared offices/ R and D (B1), various car parking, landscaping and alterations to existing access. Siting and means of access are the matters under consideration.

This scheme was considered by the Planning Development Control (Peek Plc, Headbourne Worthy) Sub-Committee on 22<sup>nd</sup> November 2004. The report is included in Appendix A to this report. The Minutes for the meeting can be viewed under Report PDC487.

In response to a number of issues raised at the Sub-Committee (open space, landscaping, affordable housing, contaminated land and highways), further negotiations have taken place with the developer and amended plans submitted.

The amendments have been assessed by officers and the findings are set out in the report.

The amendments are considered to be acceptable.

#### RECOMMENDATIONS:

THAT PROVIDED APPROPRIATE LEGAL AGREEMENTS ARE ENTERED INTO WITH:

(A) HAMPSHIRE COUNTY COUNCIL TO SECURE:

- A contribution of £50,000 towards the Winchester Movement and Access Plan (WMAP) and improvements to the London Road/A33 junction

(B) WINCHESTER CITY COUNCIL TO SECURE:

- Provision of affordable housing (8 units)
- Provision of a financial contribution of £48,902 towards affordable housing
- Provision of off-site public open space and its future maintenance
- Undertaking not to physically divide the playing field by any means of enclosure
- Approval and implementation of a Work Place Travel Plan for the commercial units

THEN PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

(Note: If the legal agreements are not completed within 6 months then the application may be refused without further reference to committee)

#### Conditions/Reasons

01 The development hereby permitted shall be begun either before the expiry of 5 years from the date of this permission or before the expiration of 2 years from the date of approval of the last reserved matters to be approved, whichever is the later.

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

02 Plans and particulars showing the detailed proposals for all the following aspects of the development (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The approved details shall be carried out as approved and fully implemented before the buildings are occupied.

Reserved Matters:

Landscape considerations including:

- (i) An accurate plan showing the position, type and spread of all the trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring each tree to a satisfactory condition; and also details of any proposals for the felling, pruning, trimming or uprooting of any trees;
- (ii) A landscape scheme showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;
- (iii) The arrangements to be made for the future maintenance of landscaped and other open spaces

Means of enclosure

The alignment, height and materials of all walls and fences and other means of enclosure.

Reason: To secure properly planned development and since no details have been submitted.

Layout of Sewers/Drains

The layout of foul sewers and surface water drains.

Refuse storage/disposal

The provision to be made for the storage and disposal of refuse.

Finished levels

Plans and cross sections of the existing and proposed ground levels of the development.

The finished levels, above ordnance datum, of the ground floor of the proposed buildings and their relationship to the levels of any existing adjoining buildings

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

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

04 Prior to the commencement of works, 1:50 scale fully annotated elevations, floor plans , roof plans and sectional drawings of each building should be submitted to and approved in writing by the Local Planning Authority. The works hereby permitted shall be carried out in accordance with the approved details

04 To ensure the details are satisfactory to protect the character and appearance of the Conservation Area.

05 At least 50% of the new dwellings shall be small, more affordable, 1 and 2 bedroomed properties with a maximum floor area of 70 square metres and shall thereafter be retained as such

05 Reason: To provide an acceptable mix of housing sizes which addresses local need.

06 The dwellings and commercial buildings hereby permitted shall not exceed 3-storeys in height.

06 Reason: To respect the character of the area in the interests of visual amenity

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

07 Reason: In the interests of highway safety

08 The carparking shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, loading and unloading and turning of vehicles

08 Reason: To ensure the permanent availability of parking for the property

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

09 Reason: To ensure the provision and retention of the garage and parking spaces in the interests of local amenity and highway safety

10 Details of the alterations to the London Road site access shall be submitted to, and agreed in writing by, the Local Planning Authority before development commences. The agreed details shall be fully implemented before the development hereby approved is occupied.

10 Reason: In the interests of highway safety

11 The 20 parking spaces in the south-east corner of the site, indicated on the drawings for Church use shall be dedicated for use by St Mary's Church only and thereafter retained for this use.

11 To ensure permanent availability of parking for the Church

12 No development or site preparation prior to operations which has any affect 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 the implementation of 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

12 Reason: To ensure that the archaeological interest of the site is properly safeguarded and recorded

13 No development shall commence until the public sewer, which crosses the site, has been diverted in accordance with a scheme to be agreed with Southern Water Services Ltd

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

14 The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted to and approved in writing by the Local Planning Authority and until the measures approved in that scheme have been fully implemented.

The scheme shall include:

- a) A desk top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or ground water contamination relevant to the site.
- b) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications (note: the nature and extent of this investigation will depend on the results of a) above and so will need to be agreed with the LPA).
- c) A written method statement for the remediation of land/or groundwater contamination affecting the site shall be agreed in writing with the LPA prior to commencement and all remediation works shall be implemented prior to the occupation of buildings (note: the necessity for a remediation scheme and its nature will be dependent on the results of a) and b) above and so will need to be agreed with the LPA..

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

15 A full acoustic report showing details of a scheme for protecting the proposed dwellings from road traffic and industrial noise sources shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Any works which form part of the approved scheme shall be completed before any dwelling is occupied. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme

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

16 During construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded

compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

16 Reason: To prevent pollution to the water environment

17 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority

17 Reason: To prevent pollution of the water environment

18 Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems

18 Reason: To prevent pollution of the water environment

19 All area where waste is stored, handled or transferred shall be underlain by impervious hardstanding with dedicated drainage to foul sewer or sealed tank

19 Reason: To prevent pollution of the water environment

20 If required, the method of piling the foundations for the development shall be carried out in accordance with the scheme to be approved in writing by the Local Planning Authority prior to any development commencing

20 Reason: The site is potentially contaminated and piling could lead to the contamination of the underlying aquifer

#### INFORMATIVES:

01 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 54A of the Town and Country Planning Act 1990 (as amended), planning permission should therefore be granted

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

Hampshire County Structure Plan Review: UB1, UB2, UB3, EC1, T2, T4, T5, T6, H1, H2, H3, H5, H7, H8, H11, R2, E1, E4, E8, E14, E16, E17

Winchester District Local Plan Proposals: H.1, H.5, H.7, E.1, E.2, RT.2, RT.3, T.8, T.9, T.10, T.11, T.12, HG.3, HG.6, HG.7, HG.8, HG.11, HG.23, EN.2, EN.4, EN.5, EN.7, EN.8, EN.9, EN.13, EN.16, EN.17

Emerging Development Plan – WDLP Review Deposit and Revised Deposit: H.2, H.5, H.7, E.1, E.2, RT.1, RT.2, RT.3, T.2, T.3, T.4, T.5, HE.2, HE.4, HE.5, HE.6, HE.8, HE.16, DP.1, DP.3, DP.5, DP.6, DP.9, DP.15, DP.16

03 The developer is reminded that the grant of planning permission does not entitle them to obstruct public right of way. If it is necessary to stop up or divert a right of way in order to enable the development to be carried out, they should apply without delay:

i) In the case of a footpath or bridleway, to the Council for an order under Section 257 of the Town and Country Planning Act 1990

ii) In the case of a highway, to the Secretary of State for the Environment for an order under Section 247 of the Town and Country Planning Act 1990

04 Under the terms of the Water Resources Act 1991, the prior agreement of the Agency is required for discharging dewatering water from any excavation or development to a surface watercourse

05 Under the terms of the Water Resources Act 1991, the written approval of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings or fixed plant into or onto the ground or into waters which are not controlled waters. Such approval may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters). The applicant is advised to contact the Hants and IOW Area Office (Environment and Management Itchen Team) to discuss this matter further)

The discharge of trade effluent comprising site drainage to a watercourse or into the ground will require the consent of the Agency under the terms of the Water Resources Act 1991. The applicant is advised to contact our Environmental Management Team to discuss this matter further

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8<sup>TH</sup> December 2004

OUTLINE PLANNING APPLICATION FOR MIXED USE DEVELOPMENT TO INCLUDE 29 NO. DWELLINGS, 5574 METRE SQUARED OFFICES/R AND D (CLASS B1 USE), VARIOUS CAR PARKING, LANDSCAPING AND ALTERATIONS TO EXISTING ACCESS AT PEEK PLC, LONDON ROAD, HEADBOURNE WORTHY, WINCHESTER

### REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

#### DETAIL:

#### 1 INTRODUCTION

1.1 A description of the application, the planning history, planning policies, consultation responses to the application as originally submitted and the planning considerations are set out in the attached report: **Appendix A** – Report of Director of Development Services to 22<sup>nd</sup> November 2004 Peek Plc, London Road Sub-Committee. The Minutes from the Sub Committee meeting are set out in Report PDC487.

1.2 The Sub-Committee, which met on 22<sup>nd</sup> November 2004, identified issues which needed further consideration:

- Affordable Housing
- Landscaping
- Open Space
- Highways
- Contamination

1.3 Negotiations have continued with the developer, and as a result, amended plans and further information are to be submitted for consideration.

1.4 The amendments to the drawings involve the repositioning of office building no.1 to move it 3.0 m further from the A33 site frontage; repositioning the church parking area to allow the provision of a 2.0 m thicker area of landscaping along the boundary to the north of Winchester House; and alterations to the landscape proposals along the London Road site boundary to show retention of the hedge and the eventual phased replacement of the chestnut trees. These amendments are not sufficiently significant to warrant re-advertisement of the application.

#### 2 CONSULTATIONS

2.1 The following consultations were not available at the time of writing the report for the Planning Development Control (Peek PLC) Sub-Committee:



## 2.2 English Heritage:

- Do not intend to comment in detail but offer observations to assist in the determination of the application
- Stress the importance of the setting of the church and the retention of the green, the rows of trees adjacent to the car park and the soft edges around the site, which are important to retain as key aspects of the Conservation Area's Character.
- Express concern about the combination of mass and height and general elevation nature of the scheme, particularly the deep plan formats of some of the houses and consider that the residential properties should take a far greater cue from the local architectural dialogue which could be imaginatively interpreted in a contemporary modern way without resorting to copying.
- Provided these issues are addressed, it is recommended that the case should be determined in accordance with government guidance, development plan policies and with the benefit of local conservation advice.
- Do not wish to be consulted further.

## 2.3 Highways Engineer (WCC):

- No objection subject to conditions
- The submitted Independent Safety Audit has identified 4 areas of concern of which 2 relate to the access junction with London Road. This element, together with the principle of development, is being dealt with by HCC, as there are off-site highway implications.
- Planning consent should not be granted until HCC have confirmed that a suitable legal agreement has been completed to cover the off-site highway implications of the proposals.
- With regard to the detailed layout of the site, the audit identified that there would be risk to pedestrians due to the lack of a footway adjacent to the carriageway to the east side of the access road.
- It also identified a lack of forward visibility at the two bends on the access road.
- To overcome this, information has been submitted which includes two speed control tables within the access road, which will effectively reduce speeds of traffic and will provide a safe crossing point for pedestrians.
- Adequate parking is proposed.
- No details of cycle parking are provided and this can be conditioned

## 3 CONSIDERATIONS

- 3.1 Consideration has been given to the 5 outstanding issues (see paragraph 1.2 above)

### 3.2 Affordable Housing

- The applicant has agreed to make a financial contribution of £48,902 in lieu of the 0.7 of a unit required in addition to the 8 units to be provided on site. This will be dealt with as part of the Section 106 Agreement.
- Negotiations will continue between the housing enabling officer and the applicant with regard to the precise location of the 8 units to be provided on site and the means by which they are provided.

### 3.3 Landscaping

- The applicant has agreed to amend the proposal to reposition office building no.1 3.0 further from the eastern site boundary.
- This will result in a 5.0 m distance between the building and the boundary at the closest point, which is sufficient to allay concerns about the loss of important vegetation along that boundary, which will provide valuable screening to the office buildings from the A33
- The re-positioning of this office building may result in the need for the route of the Nun's Walk public footpath, which passes between proposed office buildings 1 and 2, to be diverted.
- Should this be the case, this would be dealt with by means of a separate application under Section 257 of the Town and Country Planning Act 1990.
- The applicant has also agreed to change the landscaping proposals along the London road frontage so that the conifer hedge will remain to provide screening to the site and the poor quality horse chestnuts will eventually be replaced.

### 3.4 Open Space

- The applicant has agreed to enter into a legal agreement to provide public open space, in accordance with the Council's SPG, on part of the playing field site, and to ensure that the green would remain as a single, continuous area of land without any physical divisions by fences or other means of enclosure.

### 3.5 Highways

- With respect to Members' concerns regarding the speed of traffic along London Road and the possible future provision of a pedestrian island/refuge, it is anticipated that that a representative of Hampshire County Council Highways will be present at the Planning Development Control Committee on 8<sup>th</sup> December 2004.

### 3.6 Contamination

- Subsequent to the Environmental Health Officer's original consultation, further comments have been made that if officers are minded to approve, the contamination and noise concerns should be dealt with by conditions.

- Furthermore, the applicant has agreed to commission a contamination desk-top study, the results of which should be available before the 8<sup>th</sup> December 2004 Planning Development Control Committee.

#### 4 Other Issues

- 4.1 Given the Conservation Officer's concerns about the fact this is an outline application partially within the conservation area, the applicant has also agreed to alter the terms of the application to include 'design' as one of the matters to be considered as part of this planning application and delete the words 'illustrative only' from the drawings.
- 4.2 The elevational details of the buildings, would, therefore, form part of the approval, should Members agree to support the officers' recommendation.

#### 5 Planning Obligations/Agreements

- 5.1 In seeking the planning obligations and financial contribution for this development, the Local Planning Authority has had regard to the tests laid down in Circular 1/97 which requires obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

#### 6 OTHER CONSIDERATIONS

##### 7 CORPORATE STRATEGY (Relevance to):

To look after the built and natural environment for the benefit of present and future generations.

To provide affordable homes in safe and pleasant environments for all sectors of our community.

##### 8 RESOURCE IMPLICATIONS:

None

##### 9 BACKGROUND DOCUMENTS:

Correspondence held on planning application file W00519/22

APPENDICES: A – Sub-Committee Report of 22<sup>nd</sup> November 2004 – PDC484