

**PLANNING DEVELOPMENT CONTROL (CHILBOLTON AVENUE) SUB-COMMITTEE****30 June 2005**Attendance:

## Councillors:

Busher (Chairman) (P)

Bennetts (P)  
Beveridge (P)  
Chapman (P)  
Davies (P)Jeffs (P)  
Johnston (P)  
Mitchell (P)  
Pearson (P)Others in attendance:

Councillors Pearce and Saunders

Officers in attendance:Mr J Hearn (Team Manager Planning)  
Mrs S Leonard (Planning Officer)  
Mr N Culhane (Traffic Engineer)  
Mr N Baldwin (Enabling Officer)  
Mr S Dunbar-Dempsey (Landscape Officer)

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1. **ERECTION OF 49 DWELLINGS COMPRISING 5 ONE BEDROOM, 26 TWO BEDROOM, 11 THREE BEDROOM AND 7 FOUR BEDROOM DWELLINGS WITH ASSOCIATED PARKING AND NEW ACCESS FOLLOWING DEMOLITION OF EXISTING PROPERTIES ON LAND AT 1-7 CHILBOLTON AVENUE, WINCHESTER**

(Report PDC566 refers)

The Chairman welcomed to the meeting 11 members of the public together with the applicant, Mrs A Hauser.

In introducing the proposals, Mrs Leonard and Mr Hearn reminded Members that amended plans had been submitted by the developer following consideration of the original application by the Sub-Committee on 28 February 2005 (report PDC514 and minutes PDC524 refer).

The submission of the amended plans had followed consultation and negotiations with relevant officers regarding the issues relating to: highways, landscaping and trees, residential amenities and affordable housing. Hampshire County Council's Highway's Department had submitted a detailed response to the amended plans but had been unable to have a representative at the meeting.

Mr Baldwin stated that he was satisfied with the positioning of the affordable housing on site and that a suitable mix of tenure for the two and three bedroom apartments would be negotiated in due course. A Member questioned why affordable housing could not be provided in the town houses on site, as the plans indicated that the square footage of the town houses was significantly more than that of the three

bedroom apartments. Mr Baldwin advised that colleagues in the Strategic Housing Section had indicated that three storey townhouses were generally not popular with young families.

Following further discussion, Mr Hearn advised that the provision of private space associated with the affordable housing blocks could be delineated by a form of boundary treatment and that this could be considered as part of the landscaping scheme.

Mr Culhane referred to the previous concerns of the Sub-Committee regarding traffic distribution at peak periods, particularly at the junction of Sarum Road and Chilbolton Avenue. He advised that Hampshire County Council had undertaken a recent monitoring exercise that had concluded that there would only be a modest increase in traffic movements and that therefore no objection was raised. He also reported that officers were satisfied with the proposed positioning of the two pedestrian refuges on Chilbolton Avenue and that an additional five pedestrian refuges were now to be funded by the applicant.

Mr Culhane responded to a number of further questions regarding highway matters. Members were advised that the amended plans made provision for possible future integration with a neighbouring site at 9 Chilbolton Avenue. Mr Culhane reported that he was satisfied with the provision and positioning of turning-space for service vehicles. He also clarified that a site management company would enforce parking on-site and that this could be controlled by condition. The potential for the future signalisation of the junction at Sarum Road would be secured by the safeguarding of land by the County Council for its installation and this would be specified within the conditions of the application.

Mr Culhane also advised that the applicant was to contribute £135,000 (via a Section 106 agreement) for wider transport and highway improvements within the vicinity of, and associated with, the application area. Other off-site highway improvements would be funded and implemented by the developer under supervision from Hampshire County Council and secured by a Section 278 Agreement that would determine that the works would need to be completed prior to occupation of the new dwellings.

A Member expressed concern at the positioning of the affordable housing block adjacent to the Sarum Road access with regard to the safety of children and other pedestrians. Although there was no specific demarcation for pedestrians, Members were generally satisfied that designated shared-surface areas on-site would generate low speeds and that the majority of parking would be underground.

Mr Hearn also drew Members' attention to the curtilage of the dwelling blocks as shown on the plans as well as the provision of open space and a play area. Mr Hearn suggested that fenced open space (in addition to the play area) could be considered as part of the landscape proposals for the site at a later date.

Referring to the Chilbolton Avenue Local Area Design Statement, Mr Hearn clarified that once finalised, the document would form supplementary planning guidance. However, in the meantime, submitted planning applications for the area should be determined in accordance with present policies.

Mr Hearn advised that the architecture and urban design of the proposals was satisfactory and that detail of materials such as quality traditional brick, stone and slate (as shown on the drawings of the submitted application) would be controlled by

condition. Officers were satisfied that architecturally there was no difference between the private and the affordable units.

Mr Dunbar-Dempsey reported that the amended plans addressed the previous concerns regarding landscaping and trees on site. He clarified that landscaping along the existing boundary with Winchester Golf Course to screen long distance views of the site would be by the planting of native trees to supplement existing mature trees.

At the invitation of the Chairman, Mrs Hauser addressed the Sub-Committee. She commented on some of the points raised during discussion of the amended plans including safety of pedestrians on-site, particularly children. She clarified that the town houses would be accessed by the shared surface road by means of an electronic control barrier to be policed by the site management company. The basement parking would also be barrier controlled and therefore not accessible to children. The play area and other open spaces were located towards the middle of the site to allow access to children from throughout the development.

Mrs Hauser detailed proposals for a management company to maintain the open space, trees, lifts, and also to deal with parking matters. Both leaseholders and Registered Social Landlords (RSLs) normally contributed to the funding of such schemes. She advised that lifts were generally not favoured by RSLs and therefore had not been proposed for the three storey apartment blocks.

At the invitation of the Chairman, Councillor Pearce addressed the Sub-Committee as a Ward Member. In summary, he advised that he still had concerns regarding highway matters, particularly the increased traffic movements at the junctions with Sarum Road and Chilbolton Avenue. He also still considered that the proposals represented an over-development of the site.

Following debate, the Sub-Committee recommended the application be approved subject to the addressing of the matters raised as detailed above and as highlighted by officers. In particular, the recommendation should specify the requirement for a Section 278 Agreement for an off-site highway work programme and a timetable for its implementation. The conditions should also specify a requirement for a contribution of £45,229 towards the provision of public open space *and its fencing*. In addition it should be specified that legal agreements should secure the on-site public open space, including the play area, and its future maintenance *including the design of the play area and its future maintenance and management*.

**RECOMMENDED:**

THAT PROVIDED APPROPRIATE LEGAL AGREEMENTS  
ARE ENTERED INTO WITH:

(A) HAMPSHIRE COUNTY COUNCIL TO SECURE:

- A contribution of £135,000 towards an off-site highway improvement programme and the agreement of a timetable for its implementation

(B) WINCHESTER CITY COUNCIL TO SECURE:

- Provision of affordable housing (15 units)
- Contribution of £45,229 towards the provision of public open space and its fencing

- Provision of on-site public open space, including a LAP play area, and its design and future maintenance and management
- The provision of a free 6-month bus pass for each new dwelling

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 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.

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

03 No development shall take place until fully annotated elevations and sections at a scale 1:20 showing the following details: all windows and all doors; rainwater goods; eaves; ridges; chimneys; window cills; window heads; door heads; roof lights; dormer windows; balconies; brick detailing; porches; garden gates, walls and fences; steps; have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details before the dwellings are occupied.

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

04 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.

04 Reason: In the interests of highway safety

05 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.

05 Reason: In the interests of highway safety

06 Before the development hereby approved is first brought into use, the access shall be constructed with a non-migratory surfacing material for a minimum distance of 15.0 metres from the highway boundary.

06 Reason: In the interests of highway safety

07 The existing accesses to the site shall be stopped up and abandoned and the footway crossings shall be reinstated to the requirements of the Local Planning Authority, immediately after the completion of the new access hereby approved and before the new access is first brought into use.

07 Reason: In the interests of highway safety

08 Prior to the completion of development a cut off drain shall be provided to prevent the egress of surface water onto the public highway.

08 Reason: In the interests of highway safety

09 Before the development hereby approved is first brought into use, a turning space shall be provided within the site to enable vehicles using the site to enter and leave in a forward gear. The turning space shall be retained and kept available for such purposes at all times.

09 Reason: In the interests of highway safety

10 The parking areas shall be provided in accordance with the approved plans before the dwellings are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwellings as residences

10 Reason: To ensure the permanent availability of parking for the properties

11 Details of the car parking management company an scheme shall be submitted to, and approved in writing by, the Local Planning Authority, prior to first occupation of the dwellings hereby approved and the parking shall, thereafter, be managed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

11 Reason: In the interests of highway safety

12 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 development permitted by Classes A, B, C, D and E, other than small garden sheds, which are no greater than 12 square metres floor area measured externally and no greater than 2.5 metres in height, of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority

12 Reason: To protect the amenities of the locality and maintain a good quality environment

13 No development shall take place until details of any electricity sub station or gas governor has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details before the dwellings are occupied.

13 To improve the appearance of the site in the interests of visual amenity

14 Details of the proposed bin and cycle stores shall be submitted to, and approved in writing by, the Local Planning Authority before the development hereby permitted is commenced. The provision shall be fully implemented in accordance with the approved details before the dwellings are occupied

14 Reason: In the interests of the amenities of the locality

15 Detailed proposals for the disposal of foul and surface water shall be submitted to, and approved in writing by, the Local Planning Authority, before commencement of the development. The approved details shall be fully implemented before the dwellings hereby approved are occupied.

15 Reason: To prevent pollution of the water environment

16 A detailed scheme for landscaping, tree and/or shrub planting and boundary treatment 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.

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

17 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.

17 Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal and public interest

18 The existing trees shown as being retained on the approved plan shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of protective fencing in accordance with BS 5837

18 Reason: To retain and protect the trees which form an important part of the amenity of the area

19 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, levels at the boundaries of the site, ground levels adjacent to existing vegetation to be retained, 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. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority

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

20 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 further first floor or second floor level windows, other than those permitted as part of this approval, shall, at any time, be constructed in the west side elevation of Pelham House, the south side elevation of the townhouse adjacent to Pheasants Way, the north side elevation of Elm House and the north side elevation of the townhouse adjacent to no. 9 Chilbolton Avenue, without the prior written consent of the Local Planning Authority.

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

### **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, UB3, T4, T5, T6, H1, H2, H7, H8, R2, E6, E8, E19

Winchester District Local Plan Proposals: H.1, H.5, H.7, RT.3, RT.6, T.8, T.9, T.11, EN.1, EN.5, EN.7, EN.8, EN.9, EN.13, W.1, W.27, W.29

Emerging Development Plan – WDLP Review Deposit and Revised Deposit: H.2, H.5, H.7, RD06.17, RD06.23, RT.3, T.1, T.2, T.3, T.4, T.5, T.8, W.1, W.6, DP.1, DP.3, DP.5, DP.6, DP.10, DP.11, DP.12

03 All work relating to the development hereby approved, including works of demolition, or preparation prior to operations, should only take place between the hours of 0800 – 1800 Monday to Friday and 0800 – 1300 Saturdays and at no time on Sundays and Bank Holidays. Where allegations of noise from such works are substantiated by the Health and Housing Service, a Notice limiting the hours of operation under the Control of Pollution Act 1974 may be served

04 No materials should be burnt on site. Where the Health and Housing Service substantiate allegations of statutory nuisance, 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

The meeting commenced at 10.00am and concluded at 11.50am

Chairman