

PLANNING DEVELOPMENT CONTROL COMMITTEE

26 July 2007

Attendance:

Councillors:

Jefferies (Chairman) (P)

Baxter (P)

Busher (P)

Evans

Huxstep

Lipscomb (P)

Johnston (P)

Pearce

Ruffell (P)

Saunders (P)

Sutton (P)

Deputy Members

Councillors Beveridge and Read (Standing Deputies for Councillors Pearce and Huxstep respectively)

Others in attendance who addressed the meeting:

Councillors Barratt, Beckett, Bell and Pearson.

Others in attendance who did not address the meeting:

Councillor Wood (Portfolio Holder for Planning and Transport)

1. **APOLOGIES**

Apologies were received from Councillors Evans, Huxstep and Pearce.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meetings of the Committee held on 27 March, 29 March, 19 April, 18 May, 24 May and 25 May 2007, be approved and adopted.

3. **DEVELOPMENT CONTROL APPLICATIONS**

(Report PDC705 refers)

The Schedule of Development Control Decisions arising from the consideration of the above Report is circulated separately and forms an appendix to the minutes.

Councillor Busher declared a personal (but not prejudicial) interest in respect of Item 1, as she was acquainted with the residents of Palace House which was adjacent to the application site. She spoke and voted thereon.

Councillor Lipscomb declared a personal (but not prejudicial) interest in respect of Item 2, as he was the City Council's representative on the South Downs Joint Committee which had commented on the proposal, but he had not taken part in that process. He spoke and voted thereon.

In respect of Item 5, Councillor Baxter declared a personal (but not prejudicial) interest as he was a member of the Conservative Club whose premises adjoined the application site. He spoke and voted thereon.

Councillor Lipscomb also declared a personal (but not prejudicial) interest in respect of Item 5 as he was a member of the Conservative Party (but not of the Conservative Club, whose premises adjoined the application site). He had no contact with the Club or the Party on this matter. He spoke and voted thereon.

In the public participation part of the meeting, the following items were discussed:

Item 1: Abbey Mill, Station Road, Bishops Waltham - Case Number: 07/01188/FUL

Mrs Quiney spoke against the application as a local resident and also as a representative of Bishops Waltham Parish Council. Mr Lowe (applicant's agent) spoke in support.

The Head of Planning Control advised that since publication of the Report, the following comments had been received:

Highway Authority - No objection, provided the applicant enters into a Section 106 Agreement with the County Council to secure;

1. Section 278 Highway Agreement,
2. Completion of works to the highway,
3. Framework Travel Plan,
4. £140,000 towards local sustainable transport improvements,
5. £5,000 towards Traffic Regulation Orders and
6. Parking survey.

Conservation Officer -

Supportive of scheme but would have expected an analysis of the impact of the proposals on the character and appearance of the Conservation Area. It is important that adequate conditions are applied to secure details on the works to Abbey Mill itself and to control the quality of materials and detailing in the new build.

Further to this, the Head of Planning Control recommended that any subsequent approval of the application required additional Conditions 18 and 19. These related to signage of areas of archaeological and historic interest and approval of details for the refurbishment and other works to Abbey Mill.

With regard to the eventual transfer of the Abbey Field open space to the Council, the Head of Legal Services clarified that the developer would be required to attain a standard set by the Council for the laying out of and access to the public open space and to agree to a period for its maintenance. This would ensure that the Council did not inherit any liability upon transfer of the land. In addition to this, a financial contribution would be required from the developer for its ongoing maintenance.

The Committee discussed the design and density of the application. They agreed that, to ensure that only high quality materials were used in construction, Condition 2 be amended to require the use of sympathetic materials (such as clay tiles, good stock facing brick) and to control the design and materials for detailed aspects of the

scheme including wooden or metal framed windows and door frames, eaves, cills, chimneys, infill panels etc. Furthermore, detail of the boundary treatments to be installed on site (including that of the containment of the drainage channel) should also be submitted for approval to ensure their appropriateness. It was explained that this would also be secured through Condition 2 which would also be amended to ensure adequate provision of bin storage. Members also agreed an additional Condition 20 to withdraw Permitted Development Rights on the erection of boundary treatment/means of enclosure.

Following debate, the Committee agreed to grant planning permission, subject to the conditions set out in the Report, with additional Conditions 18 and 19 as explained above. Furthermore, the exact wording of changes to Condition 2 with regard to the detail of materials to be used in construction, and for boundary treatments and detail of provision of bin storage on-site, were delegated to the Head of Planning Control in consultation with the Chairman. The exact wording of additional Condition 20 to withdraw Permitted Development Rights on the erection of boundary treatment/means of enclosure was also delegated to the Head of Planning Control in consultation with the Chairman.

Item 2: Hill Farm Orchards, Droxford Road, Swanmore – Case Number: 07/00138/FUL

Mr Hildrew (representing Swanmore Parish Council) and Mr Griffiths spoke against the application and Mr Dobson (applicant) spoke in support.

Councillor Pearson addressed the Committee as a Ward Member. In summary, he referred to the Parish Council's concerns of an increase in Heavy Goods Vehicle (HGV) traffic movements in the local area. Councillor Pearson referred to the applicant's long association with Swanmore, but commented that the increase in HGV movements had resulted in an undesirable environmental impact on the area, including damage caused by lorries overrunning roadside verges and disturbance to homes from vibration. He reminded the Committee that the application site was adjacent to the East Hampshire Area of Outstanding Natural Beauty and within the boundaries of the proposed South Downs National Park.

The Head of Planning Control advised that, since publication of the Report, Condition 4 be removed as the matter would be better controlled by a Section 106 Legal Agreement. This would include a clause to ensure that only produce grown at the site would be stored within the new building and at other buildings controlled by the farm. It was also confirmed that the comments of the Landscape Officer were based on the proposed building's original siting and not as shown in the revised application.

Following debate, the Committee agreed to grant planning permission, subject to the planning obligations and conditions set out in the Report, with Condition 4 removed.

Item 3: Yew Tree Service Station, Romsey Road, Pitt, Winchester – (change of use from shop to residential and relief of condition tying existing dwelling to service station) Case Number: 07/01304/FUL

The Head of Planning Control advised that, since publication of the Report, representation had been received from Hursley Parish Council. In summary, it raised no objection to the application.

The Committee had firstly considered and resolved Item 4 below for the redevelopment of the garage and erection of a bungalow.

Having regard to their decision at Item 4 below, the Committee agreed to not support the officer's recommendation to refuse and therefore approved the application. The actual wording of the Conditions for the approval, based on the significant environmental benefits offered by the remediation and redevelopment of the site, were delegated to the Head of Planning Control, in consultation with the Chairman.

Item 4: Yew Tree Service Station, Romsey Road, Pitt, Winchester (redevelopment of petrol filling station followed by erection of one bungalow and garage (OUTLINE – considering layout and access) - Resubmission – Case Number: 07/01301/OUT

Councillors Bell (a member of Hursley Parish Council and a Ward Member) and Beckett (a Ward Member) spoke in support of the proposal and against the officers' recommendation to refuse the application. Mr Easter (applicant) and Mr Terry also spoke in support.

In summary, Councillor Bell restated the comments of the Parish Council that, given its prominent location, the application was the most acceptable alternative to the petrol station. She suggested that the application would enhance the site and she reminded the Committee that the site's remediation and decontamination would otherwise not take place. Finally, she stated that the proposals created no additional urbanisation of the site beyond that already caused by the petrol station.

Councillor Beckett also addressed the Committee as a Ward Member in support of the applicant. In summary he recognised that the recommendation to refuse the application was in line with policy. However, as the petrol station was not viable and could potentially become derelict, with no remedial works undertaken, the proposal offered a pragmatic solution and would improve the appearance of the site. There was also no realistic alternative employment use for the site. Councillor Beckett referred to a similar proposal at Twyford Moors (a garage replaced by dwellings) that had been won on appeal, with the Inspector quoting that an exception to policy in this instance was representative of a practical response. In conclusion, Councillor Beckett stated that he did not accept that, in this instance, that an undesirable precedent would be created by making an exception to policy, and that the application should be supported.

The Head of Planning Control advised that, since publication of the Report, Hursley Parish Council had submitted representations. It reiterated its view that the proposal for one new bungalow was likely to be the most acceptable alternative to the existing petrol filling station, the removal of which would improve the appearance of this prominent site; an unused and derelict filling station was to be avoided at all costs.

Referring to the similar proposal at Twyford Moors that had been won on appeal, the Head of Planning Control clarified that the Inspector had made an exception to policy based on planning reasons. Although that site was also located in countryside, there were significant differences compared to the Yew Tree service station. Twyford Moors was surrounded by dwellings and was therefore less exposed. The garage use was un-neighbourly and the site was situated in a more sustainable location.

Following debate, Members agreed that the circumstances of this particular case were such that an exception to the policies constraining residential development in the countryside was justified and should be made in this instance. This was based upon the substantial environmental benefits arising from the remediation of the site and removal of the prominent and intrusive garage canopy and buildings which would improve significantly the site's appearance within the rural landscape.

Therefore, at conclusion of debate, the Committee agreed to not support the officer's recommendation to refuse, and therefore approved the application. The actual wording of the Conditions for the approval, based on the significant environmental benefits offered by the remediation and redevelopment of the site, were delegated to the Head of Planning Control, in consultation with the Chairman.

Item 8: Orchard House, Sarum Road, Winchester – Case Number: 06/01061/FUL

Councillor Barratt (a Ward Member) spoke against the application and Ms Hauser (applicant) spoke in support.

Councillor Barratt advised that she was also speaking on behalf of the other two Ward Members for St Pauls. In summary, she was concerned that the reasons for a previous refusal on highway grounds for the redevelopment of the site had not been totally alleviated. She reported that Sarum Road was a 'rat run' and, as a consequence, the site's access was potentially hazardous and further exacerbated by traffic calming installations at this location. Councillor Barratt was concerned that the vehicular access would also be hazardous to pedestrians, including school children, especially as there was no continuous pavement on the other side of the road. She had particular concerns of pedestrians being re-routed into the road during the construction phase.

During debate, the Head of Planning Control reported that a previous application for the site had been refused which had gone to appeal. The Inspector had considered all planning issues, including character and residential amenity, but had only considered that the scheme was unacceptable on highway safety grounds. As these matters had now been resolved to the satisfaction of officers, this revised application was recommended for approval.

At the conclusion of debate, the Committee resolved to grant planning permission as set out.

During consideration of those items not subject to public participation, the following items were discussed:

Item 6: Public House and Premises, The White Swan, Bank Street, Bishops Waltham – Case Number: 06/03351/FUL

The Head of Planning Control reported that, since publication of the Report, Bishops Waltham Parish Council and four local residents had submitted representations. These were outlined in the Update Sheet circulated to the Committee and were also placed on the case file. In summary, the Parish Council objected to the application on account of its excessive bulk and residents were generally concerned of the building overbearing adjacent residences in Upper Basingwell Street and also exacerbating existing parking problems.

Following debate, the Committee agreed to support the officer's recommendation to grant planning permission for the reasons set out in the Report.

RESOLVED:

1. That the decisions taken on the Development Control Applications, as set out in the schedule which forms an appendix to the minutes, be agreed.

2. That in respect of Item 1, planning permission be granted subject to conditions as set out in the schedule which forms an appendix to the minutes and that authority be delegated to the Head of Planning Control, in consultation with the Chairman, to agree additional wording to Condition 2 with regard to the detail of high quality materials to be used in construction, and for boundary treatments and detail of provision of bin storage on-site. An additional Condition 20, with its exact wording also delegated to the Head of Planning Control in consultation with the Chairman, to withdraw Permitted Development Rights on the erection of boundary treatment/means of enclosure.

3. That in respect of Items 3 and 4, planning permission be granted with the wording of the Conditions for the approval delegated to the Head of Planning Control, in consultation with the Chairman, based on the significant environmental benefits offered by the remediation and redevelopment of the site.

4. **PLANNING APPEALS – SUMMARY OF DECISIONS FOR JANUARY – JUNE 2007**
(Report PDC706 refers)

RESOLVED:

That the Report is noted.

5. **MINUTES OF THE PLANNING DEVELOPMENT CONTROL (TELECOMMUNICATIONS) SUB COMMITTEE – SPECIAL MEETING HELD 19 APRIL 2007**
(Report PDC702 refers)

The Committee considered the minutes of the meeting of the Planning Development Control (Telecommunications) Sub Committee – Special Meeting held on 19 April 2007 (attached as Appendix A to the minutes).

RESOLVED:

That the Minutes of the Planning Development Control (Telecommunications) Sub Committee – Special Meeting held on 19 April 2007, be received.

6. **MINUTES OF THE PLANNING DEVELOPMENT CONTROL (VIEWING) SUB COMMITTEE HELD 18 JUNE 2007**
(Report PDC701 refers)

The Committee considered the minutes of the meeting of the Planning Development Control (Viewing) Sub Committee held on 18 June 2007 (attached as Appendix B to the minutes).

RESOLVED:

That the Minutes of the Planning Development Control (Viewing) Sub Committee held on 18 June 2007, be received.

7. **MINUTES OF THE PLANNING DEVELOPMENT CONTROL (TELECOMMUNICATIONS) SUB COMMITTEE HELD 18 JUNE 2007**
(Report PDC699 refers)

The Committee considered the minutes of the meeting of the Planning Development Control (Telecommunications) Sub Committee held on 18 June 2007 (attached as Appendix C to the minutes).

RESOLVED:

That the Minutes of the Planning Development Control (Telecommunications) Sub Committee held on 18 June 2007, be received.

8. **MINUTES OF THE PLANNING DEVELOPMENT CONTROL (VIEWING) SUB COMMITTEE HELD 19 JUNE 2007**
(Report PDC703 refers)

The Committee considered the minutes of the meeting of the Planning Development Control (Viewing) Sub Committee held on 19 June 2007 (attached as Appendix D to the minutes).

RESOLVED:

That the Minutes of the Planning Development Control (Viewing) Sub Committee held on 19 June 2007, be received

9. **MINUTES OF THE PLANNING DEVELOPMENT CONTROL (VIEWING) SUB COMMITTEE HELD 25 JUNE 2007**
(Report PDC704 refers)

The Committee considered the minutes of the meeting of the Planning Development Control (Viewing) Sub Committee held on 25 June 2007 (attached as Appendix E to the minutes).

RESOLVED:

That the Minutes of the Planning Development Control (Viewing) Sub Committee held on 25 June 2007, be received.

10. **MINUTES OF THE PLANNING DEVELOPMENT CONTROL (TELECOMMUNICATIONS) SUB COMMITTEE HELD 9 JULY 2007**
(Report PDC707 refers)

The Committee considered the minutes of the meeting of the Planning Development Control (Telecommunications) Sub Committee held on 9 July 2007 (attached as Appendix F to the minutes).

RESOLVED:

That the Minutes of the Planning Development Control (Telecommunications) Sub Committee held on 9 July 2007, be received.

The meeting commenced at 9.30am, adjourned at 1.45pm, recommenced at 2.30pm and concluded at 3.50pm.

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE : DEVELOPMENT CONTROL MEETING

DECISIONS

26.07.2007

PART II DEVELOPMENT CONTROL APPLICATIONS
AND DECISIONS THEREON

Item

01

Parish	Bishops Waltham
Conservation Area:	Bishops Waltham Conservation Area
Case No:	07/01188/FUL
Ref No:	W00590/23
Date Valid:	9 May 2007
Grid Ref:	455024 117328
Team:	WEST
Applicant:	James Duke And Son (Holdings) Ltd
Proposal:	Demolition of existing industrial buildings, construction of new offices/workshops and 70 new dwellings with ancillary roads, parking and amenity areas, upgrading work to Abbey Mill, Abbey Field and South Pond (RESUBMISSION)
Location:	Abbey Mill, Station Road, Bishops Waltham, Southampton, Hampshire, SO32 1DH
Recommendation:	PER

APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):-

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 Plans and particulars showing the detailed proposals for all the following aspects of the development 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.

Landscape considerations including:

- (i) 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;
- (ii) the arrangements to be made for the future maintenance of landscaped and other open areas.

The manner of treatment of existing water courses and ditches.

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

The provision to be made for street lighting.

Alterations to the external appearance of the existing building.

The proposed phasing of the development.

Details of the siting, external appearance and materials to be used for any statutory undertakers or service providers equipment such as electricity sub- stations, gas governors

or telecommunication cabinets.

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

The provision of a surface water regulation system and the layout of surface water drains and foul sewers.

Details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including high quality tiles, stock brick, details of glazing, windows and door frames .

Reason: In order to secure well planned development.

3 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. 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 the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

4 The plans and particulars submitted in accordance with Condition 2 shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

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

5 Any part of the Mill building exposed by demolition shall be made good utilizing matching materials, brick bond and jointing details to those on the existing building. A lime putty mortar shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the preservation and character of the Bishops Waltham Conservation Area.

6 No development or site preparation prior to operations which has any effect on disturbing or altering the level of 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.

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

7 No demolition or alteration to structures on the site shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation

to be submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure that the archaeological and historical interest of structures on the site is properly safeguarded and recorded.

8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A further desk study identifying:
 - a) all previous uses
 - b) potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

Reason: In order to protect the water environment and in the interests of the safety and amenity of future occupants.

9 Upon completion of the remediation detailed in the submitted Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall be detailed in the report.

Reason: In order to protect the water environment and in the interests of the safety and amenity of future occupants.

10 If, during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: In order to protect the water environment and in the interests of the safety and amenity of future occupants.

11 No development shall take place until a Construction Method Statement and Construction Code of Practice for limiting the emission of noise and dust from all the demolition and construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. Development shall not commence until the measures approved in the scheme have been fully implemented and they shall be adhered to throughout the construction period.

Reason: To protect the amenities of the occupiers of nearby properties.

12 Piling or any other foundation designs using penetrative methods will not be permitted other than with the express consent of the Local Planning Authority, in writing.

Reason: To protect aquifers beneath the site and the surface waters surrounding the site.

13 A buffer zone of 7 metres shall be established alongside the new watercourse, details of which shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. No development shall take place within the buffer zone, unless agreed in writing with the Local Planning Authority.

Reason: To allow for future maintenance of the watercourse and for the benefit of wildlife.

14 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.

15 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.

16 The roads and footways shall be laid out and made up in accordance with a specification, programme and details to be approved by the Local Planning Authority. No dwelling erected on the land shall be occupied until there is a direct connection from it completed to the approved specification to an existing highway.

Reason: To ensure that the roads and footways are constructed to a satisfactory standard.

17 The parking spaces hereby approved shall not be used for any purpose than the parking of vehicles.

Reason: To ensure the permanent availability of parking for the development.

18 Before development commences details of signage for the public interpretation of this historic site shall be submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed on site within 6 months of the completion of the development unless otherwise agreed, in writing, with the Local Planning Authority.

Reason: To ensure that the archaeological and historic interest of the site is recognised.

19 Before development commences details of refurbishment and other works to Abbey Mill shall be submitted to, and approved in writing by, the Local Planning Authority. The

details shall be implemented as approved.

Reason: To ensure that these works conserve and enhance an important building in the Bishops Waltham Conservation Area.

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 development permitted by Class A of Part Two of Schedule 2 of the Order (means of enclosure), shall be carried out without the prior written consent of the Local Planning Authority.

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

Informatives

- 1 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.
- 2 The Local Planning Authority has taken account of the following development plan policies and proposals:-
Hampshire County Structure Plan Review: UB1, UB2, UB3, EC1, EC2, T2, T4, T5, H1, H5, H7, H8, R1, R2, E1, E2, E6, E14, E16
Winchester District Local Plan Review: S1, S3, S4, DP1, DP3, DP4, DP5, DP8, DP11, DP13, HE1, HE4, HE5, H1, H5, H7, E1, E2, SF6, RT1, RT4, T1, T2, T3, T4, T5, T10
- 3 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 Health and Housing Department, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.
- 4 No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Department, 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.
- 5 The applicant is advised that there may be asbestos within the fabric of the building. The removal of such material may be subject to Licensing Regulations and Codes of Practice.
- 6 Under the terms of the Water Resources Act 1991, no person should erect any structure in, over or under a watercourse which is part of the main River Hamble without the prior written consent of the Environment Agency.

- 7 Under the terms of the Water Resources Act 1991 the prior agreement of the Environment Agency may be needed for discharging dewatering water from any excavation or development to controlled waters. These include rivers, streams and underground waters.

Item
02

Parish	Swanmore
Conservation Area:	
Case No:	07/00138/FUL
Ref No:	W04046/15
Date Valid:	22 January 2007
Grid Ref:	458818 116500
Team:	WEST
Applicant:	Hill Farm Orchards Ltd
Proposal:	Erection of refrigerated apple cold storage unit and associated parking (RESUBMISSION)
Location:	Hill Farm Orchards, Droxford Road, Swanmore, Hampshire
Recommendation:	PER
Case Officer:	Mr James Jenkison

THAT SUBJECT TO A SECTION 106 AGREEMENT RESTRICTING THE USE OF THE PROPOSED BUILDING AND OTHER FARM BUILDING BELONGING TO HILL FARM ORCHARD LTD THE APPLICATION BE APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):-

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 Prior to work commencing on the site a scheme of details of the colour and finishes of all external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within one month of the external surfaces being constructed and retained thereafter.

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 details of both hard and soft landscape works and existing tree and hedgerow protection have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season of the substantial completion of the development or as otherwise agreed in writing by the Local Planning Authority. These details shall include the following, as relevant:

- means of enclosure, including hedgerow planting:
- other vehicle and pedestrian access and circulation areas:
- hard surfacing areas and hard surfacing materials:
- Landscape areas.

Soft landscape details shall include the following as relevant:

- Retention of existing trees and hedgerows
- planting plans
- written specifications (including cultivation and other operations associated with plant and grass establishment:
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- schedule of plants for the re-inforcement of the existing hedgerow and new hedgerow planting:
- manner and treatment of watercourses, ditches and banks:
- implementation programme.

Reason: To protect the amenities of the countryside here and the rural character of the AONB.

- 4 No floodlighting, either affixed to the building or freestanding, shall be erected on the site at any time without the written agreement of the Local Planning Authority.

Reason: The site is located along a rural lane in the AONB and the use of floodlighting would undermine the rural character of the locality.

- 5 Detailed proposals for the disposal of foul and surface water from the building and hardstandings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before the development is first brought into use.

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

- 6 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 0730 and 1900 Monday to Saturday and 0800 and 1800 on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

- 7 No outside industrial processes or working or storage of materials, vehicles, machinery or equipment (other than the storage of pallets related to the horticultural activities of the holding) shall be undertaken on the site at any time unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of local amenities.

- 8 The storage of pallets on the site shall only occur adjacent to the south-west side elevation of the building hereby approved in an area marked out on the approved landscape plan for the site and shall not be stacked to a height greater than the eaves level of the building hereby approved. Should existing farm building become redundant for other purposes then the storage of the pallets shall be transferred to those buildings.

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

- 9 No additional floorspace (including the installation of mezzanine floors) shall be

created within the development hereby approved unless agreed in writing by the Local Planning Authority.

9 Reason: In the interests of highways safety and local amenity.

10 If the building hereby approved becomes redundant for agricultural or horticultural purposes associated with the holding then the building shall be dismantled or demolished and all resultant material removed from the site.

Reason: In the interests of the rural amenities of the locality.

11 The existing trees and hedgerow along the north-east boundary 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 fencing at least 6 metres from the tree trunks in accordance with BS 5837.

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

12 Details of the air conditioning and ventilation of the building (including noise levels) shall be submitted to and approved in writing prior to the commencement of work on the site. No air conditioning or ventilation shall be installed other than in accordance with the approved details.

Reason: To protect the amenity of adjoining residential properties.

Informatives

1 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.

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

Hampshire County Structure Plan Review: C1, C2, E6, E7, E8
Adopted Winchester District Local Plan Review 2006: CE13

3 Note to applicant: Should any of the existing farm buildings on the site become redundant for farm purposes of the holding planning permission is unlikely to be granted for the change of use of the building.

Item
03

Parish Hursley

Conservation Area:
Case No: 07/01304/FUL
Ref No: W00420/22
Date Valid: 23 May 2007
Grid Ref: 444561 127638
Team: WEST **Case Officer:** Mrs Jane Rarok
Applicant: Mr And Mrs Easter
Proposal: Change of use of shop to residential accommodation and relief from condition 2 of permission W00420/07 tying the existing dwelling to the service station
Location: Yew Tree Service Station, Romsey Road, Pitt, Winchester, Hampshire, SO22 5QP
Recommendation:

APPROVE (provided the applicant is prepared to make the appropriate provision for public open space through the open space funding system) – subject to the following condition(s):

APPROVE – subject to a Section 106/Section 278 Agreement for:

1. **A financial contribution of £2602.00 towards the provision of public open space through the open space funding system.**

(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 (as amended)

- 2 This permission shall not be implemented until such time as the adjoining commercial uses have been permanently ceased.

Reason: To ensure that the amenities of the adjoining occupier are preserved.

- 3 Prior to the implementation of this development details of a scheme for protecting the dwelling from noise from the adjacent highway shall be submitted to and approved in writing by the Local Planning Authority. Such noise protection measures shall thereafter be maintained in accordance with the approved scheme.

Reason: To ensure that acceptable noise levels within the dwelling and curtilage of the dwelling are not exceeded.

Informatives

- 1 The Local Planning Authority has taken account of the following development plan

policies and proposals:-

Hampshire County Structure Plan Review: UB3
Winchester District Local Plan Proposals: DP3

Item
04

Parish	Hursley
Conservation Area:	
Case No:	07/01301/OUT
Ref No:	W00420/23
Date Valid:	23 May 2007
Grid Ref:	444561 127638
Team:	WEST
Case Officer:	Mrs Jane Rarok
Applicant:	Mr And Mrs Easter
Proposal:	Redevelopment of petrol filling station; dismantling canopy; removal of storage tanks and pumps; removal of workshops bays and car wash; site remediation followed by erection 1no. bungalow garage and access (OUTLINE)(RESUBMISSION)
Location:	Yew Tree Service Station, Romsey Road, Pitt, Winchester, Hampshire, SO22 5QP
Recommendation:	REF

Conditions/Reasons

- 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. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 2 Plans and particulars showing the detailed proposals for all the following aspects of the development (hereinafter called "the reserved and other 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 building(s) is/are occupied.

Reserved and other Matters:

1. The appearance and scale of all buildings including the positions and widths of roads and footpaths.
2. 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, hard surfaces and the finished levels in relation to existing levels;
 - (iii) Details of soft landscaping works;
 - (iv) the arrangements to be made for the future maintenance of landscaped and other open areas;
 - (iii) Proposed and existing functional services above and below ground (e.g. Drainage, power, communications cables. Pipelines etc).
3. The design of all buildings, plant and tanks, including the colour and texture of

external materials to be used together with samples of all external facing and roofing materials.

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

- 3 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. 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 the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved design.

- 4 The proposed access and drive, shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works.

Reason: In the interests of highway safety

- 5 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 10 metres from the highway boundary.

Reason: In the interests of highway safety

- 6 The existing access to the site shall be stopped up and abandoned and the verge crossing 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.

Reason: In the interests of highway safety

- 7 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

Reason: In the interests of highway safety.

- 8 The parking area including the garage shall be provided in accordance with the approved plans before the dwelling is 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 dwelling house as a residence.

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

9 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

(i). A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

(ii). A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

(iii) The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

(iv). A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To protect the major aquifer beneath the site. The site may be contaminated due to previous activities that have taken place onsite. Risk to groundwater and surface water has not yet been fully established at the site.

10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To protect the major aquifer beneath the site. There may be areas of the site, which can not be fully characterised by a site investigation and unexpected contamination may be identified.

11 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to controlled waters

Reason: To protect the major aquifer beneath the site as SUDS can increase the potential

for pollution if located in contaminated ground.

- 12 Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to groundwater.

Reason: To protect the major aquifer beneath the site. If used, piling may provide direct pathways for contaminants to groundwater.

- 13 Prior to development commencing on site details of a scheme for protecting the dwelling from noise from the adjacent highway shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the approved scheme shall be completed before the dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority. Such noise protection measures shall thereafter be maintained operated in accordance with the approved scheme.

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

- 14 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 then 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.

- 15 No development, 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, 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.

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

- 16 The permission hereby granted is for a single storey bungalow only and there shall be no accommodation above ground floor level other than ancillary domestic storage.

Reason: To accord with the terms of the application and to protect the visual amenities of the countryside.

Informatives

- 1 The Chalk of the Newhaven Chalk Formation and is classified as a Major aquifer as defined by the Environment Agency's "Policy and Practice for the protection of Groundwater".

The Environment Agency agrees with the recommendation for further intrusive

investigations into the contamination on site (page 31). The Environment Agency requests to receive a copy of method statement for the proposed site investigation before any investigations are undertaken and any additional information, once complete.

We recommend that the developer follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, in assessing potential risks from any contamination that may be present. This is available to download for free on our website at www.environment-agency.gov.uk.

In addition, we would like to direct the applicant to the Environment Agency's Guidance on Requirements for Land Contamination Reports. This is available to download for free on our website at www.environment-agency.gov.uk.

Evaluation of any risks to human health arising from the site should be discussed with the Environmental Health Department at Winchester City Council. Human health issues do not fall within the Environment Agency's remit for this site.

The applicant should ensure that the existing septic tank / sewage treatment plant is in a good state of repair, regularly desludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of this proposal.

According to the Environment Agency records, there is no live consent for the discharge of sewage effluent to the ground or a watercourse at the site. The applicant must be informed that an application for consent to discharge will need to be submitted for assessment, and is advised to contact the Authorisations Team on 01962 764856 to request an application form pack. We take this opportunity to confirm that we have up to 4-months to determine a consent application, and that permission may not be forthcoming.

Providing secondary containment measures as detailed in the Environment Agency Pollution Prevention Guideline No.2 can significantly reduce the risk of pollution. The guideline stipulates requirements for the standard of tanks, pipework and secondary containment, including bund walls.

Most contaminated soils are regarded as controlled waste. If controlled waste is to be deposited on the site then either a Waste Management Licence will be required or the applicant will need to register an exemption to licensing with the Environment Agency.

Most contaminated soils are regarded as controlled waste. Therefore, their handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- i.) Duty of Care Regulations 1991
- ii. Hazardous Waste (England & Wales) Regulations 2005
- iii.) Waste Management Licensing Regulations 1994 (as amended)

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the licensable status of any proposed off site operations is clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

Pollution Prevention Guidance

To minimise the environmental impact of this development pollution prevention measures should be incorporated wherever appropriate. Guidance specific to this development can be found in the following Pollution Prevention Guidance:

PPG 01: General guide to the prevention of pollution

PPG 02: Above ground storage tanks

PPG 04: Disposal of sewage where no mains drainage is available

PPG 06: Construction and demolition

PPG 21: Pollution Incident Response Planning

PPG 27 Installation, Decommissioning and removal of underground oil storage tanks

Also recommended is the "Pollution Prevention Pays" leaflet accompanied by the "Is your Site Right 10 point check list"

In order to minimise use of paper, the Pollution Prevention Guidelines mentioned in this letter may be freely viewed and downloaded from the NetRegs section of our website.

The website address is: www.environmentagency.gov.uk/netregs/resources/278006

In the event that you are unable to access this site, please contact the Customer Contact Team at the office below to receive hard copies of these documents.

Item

06

Parish	Bishops Waltham
Conservation Area:	
Case No:	06/03351/FUL
Ref No:	W05615/02
Date Valid:	10 November 2006
Grid Ref:	455496 117526
Team:	WEST
Case Officer:	Mr Michael Wright
Applicant:	
Proposal:	Erection of 1 no two storey three bedroom house and associated external works (AMENDED PLANS)
Location:	Public House And Premises, The White Swan, Bank Street, Bishops Waltham, Hampshire
Recommendation:	PER

APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):-

Conditions/Reasons

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

1 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 dwelling, including: roof, walls, eaves soffits, windows _ 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 Soft landscape details shall include the following as relevant:

- planting plans:

- existing and proposed finished ground and floor levels or contours:

No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

- other vehicle and pedestrian access and circulation areas:

- minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc):

- hard surfacing materials:

- means of enclosure, including any retaining structures:

- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:

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

4 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. 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 the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5 Details of the size, species and location a new tree to be planted shall be submitted to and approved in writing by the Local Planning Authority before occupation of the new dwelling hereby permitted. Such tree planting shall be undertaken during the next planting season following the completion of development.

Reason: In the interests of visual amenity and to conserve the contribution of trees to the character of the area.

6 No development or site preparation prior to operations which has any effect on disturbing or altering the level of 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.

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

7 All rainwater goods shall be of cast iron unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the (listed) building.

8 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, D, E, F of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

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

9 Details of the following elements of the development, which shall include fully

annotated drawings and sections at 1:20 scale, making reference to materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the dwellings are occupied:

Eaves details with overhang;
Window details (which shall include 100mm reveals at a minimum);
Doors (which shall be recessed by 100mm at a minimum);

Reason: In the interests of the architectural interest of the building to protect the amenities of the conservation area.

10 The existing walls identified on the southern and western boundaries shall be retained as detailed on the approved plans. Details of any alterations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of protecting the character of the Conservation Area and for tree protection.

11 The parking area including the garage shall be provided in accordance with the approved plans before the dwelling is 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 dwelling house as a residence.

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

Informatives

1 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.

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

Hampshire County Structure Plan Review: UB3, T2, E4, E16.
Winchester District Local Plan Proposals: DP3, DP4, HE2, HE4, HE5, H3, RT4, T1.

Item

07

Parish	Whiteley
Conservation Area:	
Case No:	07/01423/FUL
Ref No:	W20692
Date Valid:	7 June 2007
Grid Ref:	452684 109498
Team:	WEST
Applicant:	Mr And Mrs Howson
Proposal:	Conservatory
Location:	109 Lovage Road, Whiteley Fareham, Hampshire, PO15 7NF
Recommendation:	PER
Case Officer:	Miss Megan Birkett

APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):-

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 The materials to be used in the construction of the external surfaces of the conservatory hereby permitted shall match those used in the existing building.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

Informatives

- 1 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.

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

Hampshire County Structure Plan Review: UB3
Winchester District Local Plan Review Proposals: DP3

Item

08

Parish	Winchester Town
Conservation Area:	
Case No:	07/01061/FUL
Ref No:	W06107/05
Date Valid:	15 May 2007
Grid Ref:	446612 129358
Team:	EAST
Case Officer:	Mr Simon Avery
Applicant:	Mr And Mrs GL And PA Hauser
Proposal:	6 no. one bed and 4 no. two bed flats with associated undercroft parking (RESUBMISSION)
Location:	Orchard House, Sarum Road, Winchester, Hampshire, SO22 5DP
Recommendation:	PER

APPLICATION PERMITTED SUBJECT TO:-

- The completion of a Section 278 Legal Agreement between the applicant and Hampshire County Council as Highway Authority to ensure the provision of a service vehicle lay-by;
- The completion of a Section 106 Legal Agreement between the applicant and Hampshire County Council as Highway Authority to ensure the provision of £27,000 towards highway improvements;
- an appropriate provision for public open space through the open space funding system;
- the following conditions:

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 of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

- existing and proposed finished levels or contours;
- means of enclosure;
- hardsurfacing materials;
- minor artefacts and structures (eg. street furniture, refuse or other storage units, signs, lighting etc);

Soft landscape details shall include the following as relevant:

- planting plans, including replacement tree planting for the protected tree that is to be

removed;

- written specification (including cultivation and other operations associated with plant and grass establishment:
- schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate:
- implementation programme.

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

3 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. 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 the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

4 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. The materials used shall be:

- timber windows and doors
- clay roof tiles
- clay bonnet hips
- lead cheeks and roofs to dormers

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.

5 Detailed proposals for the disposal of foul and surface water from the building shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before the new dwelling hereby approved is occupied.

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

6 The one and two bedroom units hereby approved shall be permanently retained and shall not be extended, altered or combined with another unit.

Reason: To ensure the housing mix is maintained in accordance with H7 of the Winchester District Local Plan Adopted 2006.

7 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.

Reason: In the interests of the amenity of the area.

8 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.

9 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.

10 The parking spaces hereby approved shall not be used for any other purpose than the parking of cars.

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

11 No part of the development shall be occupied until the service lay-by as shown indicatively on drawing 0602 003B has been constructed to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

12 Prior to occupation the applicant must submit for approval a Construction Traffic Management and Implementation Plan, for approval by the Planning Authority (in consultation with the Highway Authority).

Reason: In the interests of highway safety.

13 The doors and windows on the development hereby approved shall be recessed a minimum of 75mm.

Reason: In the interests of the amenity of the area.

14 Prior to the commencement of development 1:20 fully annotated elevations and sections shall be submitted to and approved in writing by the Local Planning Authority showing fully:

- windows

- eaves
- window sills
- front doors
- brick detailing over front doors
- dormer windows
- chimneys
- roller shutter grille
- quoins
- plinths
- brick bands
- steps and railings

The approved details shall be fully implemented before the development is occupied.

Reason: In the interests of visual amenity.

15 Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference BJH.0040 written by Bernie Harverson Arboricultural Consultant and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

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

16 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 Method Statement reference BJH.0040 written by Bernie Harverson Arboricultural Consultant. Telephone 01962 848317.

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

17 No arboricultural works shall be carried out to trees other than those specified and in accordance with Method Statement reference BJH.0040 written by Bernie Harverson Arboricultural Consultant.

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

18 Any deviation from works prescribed or methods agreed in accordance with Method Statement reference BJH.0040 written by Bernie Harverson Arboricultural Consultant 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.

19 Details of the design of building foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site are

commenced.

Reason: To ensure the protection of trees and hedgerows to be retained and in particular to avoid unnecessary damage to their root system.

Details of cycle storage shall be submitted to and approved in writing by the local planning authority before the development commences.

Reason: In the interests of sustainability and highway safety.

Informatives

1 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.

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

Hampshire County Structure Plan Review: UB3, T1, T2, T3, T4, T5, R2
Winchester District Local Plan Revised 2006: DP1, DP3, DP4, DP5, T2, H3, RT4

3 The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk.

3 A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or www.southernwater.co.uk.

4 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 Bank Holidays. Where allegations of noise from such works are substantiated by the Environmental Health and Housing Department, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

6 No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Department, 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.

7 The applicant is advised that there may be asbestos within the fabric of the building. The removal of such material may be subject to Licensing Regulations and Codes of Practice. For further information contact the Health and Safety Executive, Priestley House, Priestley Road, Basingstoke, Hampshire. RG24 9NW. Tel: 01256 404000.