

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**17 April 2009****Attendance:**

Councillors:

Jeffs (Chairman) (P)

Barratt (P)
Baxter (P)
Busher (P)
FallJohnston
Lipscomb (P)
Pearce (P)
Ruffell (P)
Tait**Deputy Members in Attendance:**

Councillor Berry (Standing Deputy for Councillor Huxstep, who was unable to attend the original meeting)

Officers in Attendance:

Mr J Hearn (Planning Development Control Team Leader)
Mr D Dimon (Team Manager, Planning)
Mr S Avery (Planning Officer)
Mr B Lynds (Planning Barrister)

1. CHAIRMAN'S ANNOUNCEMENT

The Sub-Committee met at Winchester Guildhall, where the Chairman welcomed to the meeting five members of the public.

2. APOLOGIES:

Apologies were received from Councillors Fall, Johnson and Tait.

As this was the first meeting of the Viewing Sub-Committee that would not re-hear public participation submissions, its membership was drawn only from those Planning Development Control Committee members (including deputies) who attended the Committee that agreed to refer the applications to the Sub Committee for decision.

3. **6 THE CRESCENT, TWYFORD, WINCHESTER – CASE NUMBER 0802554/FUL**
[\(Report PDC797 Item 1 refers\)](#)

The application had been considered by the Planning Development Control Committee meeting held on 2 April 2009. At this meeting, Members agreed that the application should be determined by the Planning Development Control (Viewing) Sub-Committee, following a site visit. This was because Members did not consider it possible to determine the application without first visiting the site to assess; the layout of the proposed dwelling; its relationship with adjacent houses; and its overall impact within the immediate street scene.

Therefore, immediately prior to the public meeting in the Guildhall, Winchester, the Sub-Committee visited the site. Councillor Izard (a Ward Member) and a representative of the applicant were present at the site visit.

At the subsequent public meeting in the Guildhall, Winchester, Mr Dimon reminded Members of the main issues regarding the application. In summary, the application sought permission for a single 3 bed detached property on the garden plot of 6 The Crescent, Twyford. The proposed dwelling would face onto Churchfields and the meadow beyond. The Sub-Committee also noted the existing permission to extend the semi-detached property 6 The Crescent (although this had not yet been implemented) and the proposed dwelling's relationship to 5 The Crescent.

In concluding his presentation, Mr Dimon recommended that the application be approved. He added that the extension to 6 The Crescent, whether implemented or not, did not change the officer's view that the application was an acceptable development.

During Members' questions, it was noted that the location of the shed/hobbies workshop building, to the rear of the proposed dwellings, was closer to the application site than indicated on the plan provided. Mr Dimon also confirmed that a 4.8m wide side elevation of the proposed dwelling would be 1.5m from the existing footpath, which led from The Crescent to Churchfields. Given the angle of the site boundary to the proposed dwelling, this distance would be reduced towards The Crescent.

In response to a Member's concerns, Mr Dimon explained that the loss of light to 6 The Crescent, caused by the development, was not sufficient for officers to recommend the application's refusal. The proposed dwelling was 8m to the south from 6 The Crescent and of a lower height.

During debate, the Sub-Committee noted that, whilst it was not a planning matter, the postal address of the proposed dwelling might be less confusing if it were to be numbered in Churchfields. This was because the front door of the proposed dwelling faced onto Churchfields and not The Crescent.

At the conclusion of debate, the Sub-Committee agreed to grant planning permission for the reasons set out in the Report and subject to the Conditions set out below.

RESOLVED:

That planning permission be granted, subject to the following conditions:

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 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.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C & E of Part 1 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.

4. 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 first floor windows other than those expressly authorised by this permission shall, at any time, be constructed in the northern, eastern or southern elevation(s) of the dwelling hereby permitted.

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

5. The first floor window(s) in the eastern elevation of the dwelling hereby permitted shall be glazed in obscure glass and thereafter retained.

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

6. The proposed access and drive, including the footway crossing, 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: To ensure satisfactory means of access.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details.

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

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

Informatives

1. This permission is granted for the following reason:

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: H1; H2
Winchester District Local Plan Review 2006: DP3; DP4; DP9; H3; RT4

3. All works, including demolition and construction, should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs Saturday and at no time on Sunday or 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.

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

4. **43 WEST STREET, ALRESFORD – CASE NUMBER 08/01595/FUL**
(Report PDC797 Item 2 refers)

Councillor Jeffs declared a personal (but not prejudicial) interest in respect of this item, as his wife had spoken against the application, at the Planning Development Control Committee held on 2 April 2009, as the Chairman of the New Alresford Town Council. He spoke and voted thereon.

The application had been considered by the Planning Development Control Committee on 2 April 2009. At this meeting, Members agreed that the application should be determined by the Planning Development Control (Viewing) Sub-Committee, following a site visit. This was because Members did not consider it possible to determine the application without first visiting the site to assess the relationship of the proposal with an adjacent recent development and other existing dwellings. It was also requested that the Police Crime Prevention Officer be consulted about the proposed footpath through the site.

Therefore, immediately prior to the public meeting in the Guildhall, Winchester, the Sub-Committee visited the site. Councillor Cook (a Ward Member) and representatives of the applicant were present at the site visit.

At the site, the plots of the proposed dwellings had been pegged out and Members noted the relationship of the proposed dwellings with existing properties; the proposed location of the new footpath and the existing flint wall which had been breached.

At the subsequent public meeting in the Guildhall, Winchester, Mr Avery reminded Members of the main issues regarding the application. In summary, the application sought permission for seven new dwellings, arranged in a terrace of four 2-3 bed houses with staggered roof lines, and two 1 bed flats which ran from north to south across the site.

To prevent overlooking from the rear gardens of the proposed properties onto 7-8 Hankins Court, the rear gardens of the application would be lowered so that they were 1.8m from the top of the existing flint wall, which separated the two developments. Mr Avery added that there would not be an unacceptable

level of overlooking from the patios of the proposed properties and the rear gardens of 7-8 Hawkins Court, given the distances between the two points.

Mr Avery reported that, following Members' comments, officers had sought the view of the Police Crime Prevention Officer in respect of the proposed public footpath through the site. The Police had advised that a lockable gate should be fixed on the southern end of the footpath, where it would join the existing east-west public footpath that linked Jacklyns Lane with Station Road. However, officers disagreed with this advice, as it was contrary to local and national planning policies which advocated permeability of new developments.

Mr Avery explained that there was an error in Report at Condition 22. The approved drawing reference number was 1623/05H, not 1623/05F as stated in the Report. He also clarified that the application was subject to Open Space contributions, but not highways contributions as had been indicated in the Report.

Mr Lynds added a further recommended amendment to the Conditions set out in the Report. He proposed that Condition 26 be deleted and that the proposed public footpath be provided instead through a Section 106 Legal Agreement. A Section 106 Agreement would be more visible than a planning condition on any future land searches for the purchase of the dwellings. This would assist with clarifying that the maintenance of the footpath would be the responsibility of the future owners.

The Sub-Committee discussed the advice from the Police regarding the footpath. Some Members were concerned by the potential for anti-social behaviour and questioned the necessity and benefit of the path. However, other Members commented on how permitting a lockable gate on a public footpath was incompatible with the Committee's recent decision, regarding a similar case at St Pauls Hospital, Winchester.

In response, Mr Hearn reiterated the policies encouraged permeability and added that the path would enable the general public to enjoy the good design of the new development. He also explained that the path would be wide and well landscaped with good surveillance from the new dwellings.

In reply to a Member's comment, Mr Lynds added that it was not unusual for the maintenance of a public footpath to be the responsibility of the owners of the new dwellings and that, in some instances, the maintenance had been transferred to a management company.

The Sub-Committee also raised concerns regarding the effect construction site traffic could have on the newly completed properties in the adjacent Hawkins Court. Members noted that a substantial flint wall had been partially demolished and that the gap could be used to gain access to the site from Jacklyns Lane, through Hawkins Court. In addition to this, there was an alternative access point from West Street.

Mr Avery explained that Condition 13 required the applicant to submit details regarding access for the construction site traffic. He had anticipated that, once these details had been submitted, they would be considered by highway engineers to assess which of the two potential access points was the safest and would cause the least disturbance.

Following debate, the Sub-Committee agreed that, if access was limited to West Street only, this was likely to only cause minor disturbance to shoppers and motorists using the town centre. The alternative, to come through Hawkins Court, would affect fewer people but would cause a significant disturbance to Hawkins Court residents. Members also considered the damage which construction traffic could have on the surface of Hawkins Court. It was noted that Hawkins Court was an unadopted road, but that the maintenance of the road was unlikely yet to have been transferred to the residents from the developer.

The Sub-Committee therefore agreed to include a further condition which required construction site traffic to gain access to the site from West Street only. It was noted that if this proved impractical, an application to remove the Condition could be submitted for consideration.

Members also noted that it was unlikely that the applicant had permission to breach the flint wall, but Mr Hearn explained that, as it was only a partial demolition, this would not have required planning permission. The Sub-Committee therefore agreed a Condition that the flint wall be reinstated (in accordance with details submitted to the Head of Planning Management) prior to the commencement of works on the site.

The Sub-Committee noted an area of wasteland to the south and noted that, whilst the development of the proposed site would make the future use of this land extremely difficult, (given that there would be no road access to the land), the area fell outside the redline of the application site. Mr Avery added that the maintenance responsibility of this wasteland would continue with its current owner and that the Conditions required details of the proposed boundary treatment between the application site and the area of wasteland.

At the conclusion of debate, the Sub-Committee agreed that the proposals represented an attractive and sympathetic design solution, resulting in good use of a difficult space.

The Sub-Committee therefore agreed to grant planning permission, subject to the Conditions set out in the Report and as amended above (regarding the payment of Open Space contributions; the Section 106 Legal Agreement, which required public access over the footpath at all times, its maintenance and landscaping, the corresponding deletion of Condition 26; that the flint wall be reinstated (in accordance with details submitted to the Head of Planning Management) prior to the commencement of works on the site; that construction site traffic access the site from West Street only; and the correction to the map reference within Condition 22).

RESOLVED:

That planning permission be granted, subject to the following conditions:

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 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 details and samples shall include the following:

- hand made plain clay tiles;
- ridge tiles;
- render colour;
- stone cills;
- details of window arches;
- the colour or stain or timber doors and windows.

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. Prior to the commencement of the works hereby approved, 1:20 scale drawings of the following details shall be submitted to the Local Planning Authority for approval in writing:

- windows;
- dormer windows;
- eaves;
- window sills;
- front doors;
- chimneys;
- porches.

The scheme shall be implemented in accordance with the approved details.

Reason: To preserve the character and appearance of the conservation area and the settings of listed buildings, in accordance with Local Plan Policies HE. 5, HE.14 and HE.16 and PPG15.

4. 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:

- means of enclosure;
- hard surfacing materials;

Soft landscape details shall include the following as relevant:

- planting plans;
- 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.

5. 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.

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

Reason: In the interests of maintaining the character of the conservation area and the setting of listed buildings.

7. Details of the siting and design and method of fixing of any external meter boxes/metal ducting/flues to be provided, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The works hereby permitted shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character of the conservation area and the setting of listed buildings.

8. No development shall take place until details of the provision of cycle storage for houses 3 to 7 have been submitted to, and approved in writing by, the Local Planning Authority. The works hereby permitted shall be carried out in accordance with the approved details before these units are first occupied and thereafter shall be retained.

Reason: In the interests of sustainability and highway safety.

9. 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.

10. No street lighting, whether free standing or affixed to any structure shall be provided on site unless the prior approval in writing of the Local Planning Authority is obtained.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D, E, F and G 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.

12. 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.

13. 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.

14. 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.

15. Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and approved by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure the satisfactory provision of surface water drainage.

16. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference CBA 7079 written by Alex Monk of CBA Trees and submitted to the Local Planning Authority, shall be installed prior to any demolition, construction or groundwork commencing on the site.

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

17. 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 CBA 7079. Contact Ian Cupper by Telephone 01962 848317.

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

18. No arboricultural works shall be carried out to trees other than those specified in accordance with Method Statement CBA 7079.

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

19. Any deviation from works prescribed or methods agreed in accordance with Method Statement CBA 7079 shall be agreed in writing with the Local Planning Authority.

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

20. No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority's Arboricultural Officer prior to commencement of development work.

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

21. 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 systems.

22. The parking spaces shown on the approved drawing No. 1623/05H 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. The parking spaces shall not be allocated to any particular dwelling and shall be retained as shared parking for all units for perpetuity.

Reason: To ensure that a reasonable parking provision is provided and retained for the whole development.

23. Prior to the commencement of the development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), a scheme to deal with contamination shall be submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall conform to current guidance and best practice as set out in BS10175:2001 Investigation of Potentially Contaminated Sites – Code of Practice and Contaminated Land Reports 7 to 11, or other supplementary guidance, and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:

a) a desk top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;

b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;

c) a remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

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

24. Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provisions of Condition 23(c) shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the remedial strategy approved under the provisions of Conditions 23(c) has been implemented fully, unless varied with the written agreement of the Local Planning Authority in advance.

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

25. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings, along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

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

26. None of the dwellings hereby approved shall at any time be combined with any of the other dwellings to form a larger dwelling.

Reason: To ensure the provision and retention of small units of accommodation, as required by Policy H7 of the Winchester District Local Plan.

Reason: To ensure the provision and retention of small units of accommodation as required by Policy H7 of the Winchester District Local Plan.

27 The brick and flint wall along the western boundary of the site shall be fully reinstated and repaired prior to the commencement of development on site and in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the character and appearance of the Conservation Area and to protect the amenity of the occupants of the properties in Hankins Court.

28 Access to the site for construction traffic and construction workers shall only be from West Street.

Reason: To protect the amenity of occupiers of the properties in Hankins Court.

Informatives

1. This permission is granted for the following reason:

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: E14, E16
Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP5, DP9, DP13, HE1, HE2, HE4, HE5, HE8, HE16, H3, H7, T2, T4, RT4

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 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.

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 plans hereby approved are as follows:

1623/02B
1623/04A
1623/05H
1623/08A
1623/06B
1623/07A
CBA 7079.01

6. The applicant is advised that, if this application is implemented, then the parking space relating to planning permission 08/00532/FUL cannot be provided and technically this would result in a breach of condition which could be liable to enforcement action. If this situation arises, the applicant, or the subsequent owner of the site which is subject to planning permission 08/00532/FUL, is advised to submit a new planning application for this site to seek to regularise the matter.

The meeting commenced at 2.00pm and concluded at 3.20pm.

Chairman