

PLANNING DEVELOPMENT CONTROL COMMITTEE

11 March 2010

Attendance:

Councillors:

Jefferies (Chairman) (P)

Baxter (P)
Bell (P)
Busher (P)
Evans (P)
Fall (P)

Huxstep (P)
Johnston (P)
Lipscomb (P)
Ruffell
Tait (P)

Deputy Members:

Councillor Weston (Standing Deputy for Councillor Ruffell)

Others in attendance who addressed the meeting:

Councillors Cook, Higgins, Hollingbery, Mather and Nelmes

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 16 February 2010, be approved and adopted.

2. **DEVELOPMENT CONTROL SCHEDULE**

[\(Report PDC844 Refers\)](#)

The schedule of development control decisions arising from the consideration of the above Report is circulated separately and forms an appendix to the minutes.

In respect of Item 5, the Committee's attention was drawn to the fact that the application site was in close proximity to, and had the same landlord as, the Winchester Liberal Democrat offices in City Road, Winchester. Those Committee members who were also members of the Liberal Democrat Group, had considered their respective positions in the context of any personal or personal and prejudicial interest, and also with regard to the perception of bias, but they had each concluded that there was no interest to declare and that they could participate fully in determination of the item.

Councillor Lipscomb declared a personal (but not prejudicial) interest in respect of Item 1, 2 and 3, as he was a member of the Council of the City of

Winchester Trust, which had commented on those applications. However, he had taken no part in the Trust's consideration of the items and therefore 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 Camping and Caravanning Club who operated the site. However, he had taken no part in the Club's application for the site and therefore he spoke and voted thereon.

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

Item 1: Land adjacent to St John's Croft, Blue Ball Hill, Winchester – Case Number 09/02461/FUL

Mr Petter (architect) spoke in support of the application and Mr Battye spoke against. Councillor Higgins (a Ward Member) commented on the proposals and advised that he was also speaking on behalf of the other two Ward Members.

In summary, Councillor Higgins suggested that as the site was one of the few remaining undeveloped areas in the town area, proposals should be sensitively undertaken. He referred to the previous application for the site that had been rejected by Members and the Planning Inspector and stated that the latest proposals were only marginally different. Councillor Higgins considered that the mass of the buildings, particularly those adjacent to St Martins Close, was excessively large.

Councillor Higgins also referred to parking provision at the new development and its potential to exacerbate parking issues in the vicinity. There was likely to be some displacement of vehicles, due to the suspension of some on-street parking bays that were required to achieve safe access to the site. He was also concerned about road safety issues in the area from an increase in traffic to the site at peak periods and of the narrow access route to the new houses. He questioned the accuracy of an assessment that there would be only five additional car trips resulting from the development. Attention was also drawn to the narrow and potentially dangerous junction at Blue Ball Hill.

Responding to the comments made, the Head of Planning Management clarified the changes to the eaves and ridge heights of the development closest to the boundary with St Martins Close, which had been amended to address the previous concerns of the Planning Inspector. It was also explained that provision of parking spaces was acceptable.

The Head of Planning Management advised that, since publication of the Report, an amended landscape plan had been submitted by the applicant indicating the repositioning a tree further away from dwelling one.

During discussion, the Head of Legal Services clarified that the Inspector's Report that set out reasons for the dismissal of an appeal against the previous refusal of planning permission at the site, was a material planning consideration which should be given appropriate weight in determining this

latest application. Members' attention was drawn to officers' opinion that the Inspector's reasons (notably, the potential for overlooking of St Martins Close) had now been adequately overcome by this latest submission. Therefore, sound planning reasons would be required should the Committee resolve a contrary decision to that recommended by officers.

During further discussion, Members considered that the overall impact of the proposal (including from the loss of some trees) was likely to be detrimental. It was considered that, due to the sensitive location of the application site, the development should, at least, contribute positively to the Conservation Area. The Committee also agreed that, to ensure there was not excessive water runoff from the site, Condition 8 to any planning permission be amended to require that an appropriate porous surfacing was used, including to the central parking areas.

The Head of Legal Services drew attention to the Inspector's conclusions that the proposed development would not have a harmful impact on the adjacent Conservation Area due to its built form. He clarified that PPG15 sought to encourage development that, at least, maintained the status quo of a conservation area and was not inappropriate in its context.

Following further debate, Members concluded that the application had not sufficiently overcome the issue of the development's overbearing impact upon adjoining dwellings in St Martins Close, as previously highlighted by the Inspector. In addition, Members considered that, by way of the applicant's redesign to try to address the issue of overlooking, the living accommodation for the occupants of those houses was likely to be unsatisfactory with regard to its design with non opening obscure glazed windows.

Therefore, at the conclusion of debate, the Committee did not support the recommendation set out in the Report and instead agreed to refuse planning permission, with authority being delegated to the Head of Planning Management (in consultation with the Chairman) to agree the detailed wording of the reasons for refusal as decided by the Committee and summarised above.

Item 3: 13 City Road, Winchester 09/01506/FUL

Mr Thomas (applicant's agent) and Councillor Nelmes (a Ward Member) spoke in support of the application.

In summary, Councillor Nelmes suggested that the application should be supported, as its design overcame the various constraints of the site, including the steep slope to its rear and the likelihood of archaeological remains. The new building would not impact on the rear embankment of the plot, where it was likely that the majority of the remains may be concealed. She reported that the applicant was appreciative of the need for an archaeological survey to eventually be undertaken, and that a further redesign of the proposals may be required to protect any artefacts in situ. She suggested that an additional condition to any planning permission could be added to this effect. The plot

was also currently unattractive and often blighted with rubbish and the proposals would be an improvement in the streetscape.

In response to the comments raised, and during further discussion, the Historic Environment Manager answered a number of detailed questions on the potential for archaeological remains being discovered within and adjacent to the curtilage of the application site. She explained the constraints that this may have on the redevelopment of the site due to the requirement for their preservation in situ. It was acknowledged that although a 'desk top survey' and further investigatory survey works (if required) should be undertaken prior to determination of any planning application, this should also be initiated by the applicant and at their expense. Members were also reminded that it would not be acceptable for there to be outline planning applications for development proposals within a conservation area.

In response to requests for clarification, the Head of Legal Services stated that planning permission should not be granted subject to conditions that appropriate survey work was undertaken. This was because, until such archaeological survey work was undertaken, the application could not be determined as the proposals may not be able to be accommodated at the site, due to any consequent constraints that this survey may reveal, and any such conditions may be rendered unenforceable.

The Committee also referred to the concerns of the Historic Environment Manager that the proposals, by way of their juxtaposition and height within the site, would be at odds with the existing streetscape of this part of City Road, Winchester. Members disagreed with this assessment as, on balance, it was considered that the development would be an improvement on the status quo of the undeveloped site. It was also agreed that the design influences of the proposals were acceptable and were likely to complement the character of the immediately surrounding buildings. It was therefore agreed that Reason for Refusal 1 should be disregarded for the reasons described above.

At conclusion of further debate, the Committee acknowledged the likelihood of the importance of archaeological remains at the site. The Committee therefore agreed to refuse planning permission for the remainder of the reasons set out in the Report.

Item 4: Stables at Cuckoo Bushes, Lordswood, Highbridge – Case Number 09/02483/FUL

Mr Terry spoke against the application and Mr Partridge (agent) spoke in support.

The Head of Planning Management advised that, since publication of the Report, response to consultation with the Environment Agency had been received, which confirmed that it raised no comment to the proposal.

Also since publication of the Report, the Council's Arboricultural Officer had confirmed that following submission of further information regarding the relationship with the trees at the site, Reason for Refusal 3a should be

disregarded, as the additional information overcame previous concerns regarding inaccurate and insufficient information. Additional conditions regarding the protection of trees at the site were recommended and these were noted by the Committee.

Also since publication of the Report, an Environmental Desk Top Study had been submitted by the applicant, regarding the potential for contamination at the site. This information had been reviewed by the Head of Environmental Protection and the earlier objection to the scheme removed, subject to further conditions being added with regard to land contamination. These were also noted by the Committee.

The Head of Planning Management also advised that, since publication of the Report, a response from the applicant's Ecologist had been received. This would be reviewed in due course and may overcome the existing Reason for Refusal 3b with regard to biodiversity, including protected species.

Following debate, the Committee agreed to refuse planning permission for the remainder of the reasons set out in the Report.

Item 5: Land to the South of Cartref, Sutton Wood Lane, Bighton – Case Number 09/02070/FUL

Mr Rowe (applicant's agent) and Councillor Hollingbery (a Ward Member) spoke in support of the application and Councillor Cook (a Ward Member) commented on the proposals.

In summary, Councillor Hollingbery suggested that during times of economic recession, small business development in rural areas should especially be encouraged. He drew attention that the application concurred with all relevant policies of the Council and also had the support of all statutory consultees, including Bighton Parish Council.

In summary, Councillor Cook advised that it was likely that the majority of support from residents for the proposals were from those who did not live in the immediate vicinity. Councillor Cook reported on some of the concerns expressed by residents. This included the inadequacy of the narrow lane to the site, the 'need' for the application (as there was another campsite located close by) and of the visual impact of the proposed 'pods'. He also referred to the likelihood of increased traffic in the vicinity and also of associated noise and light pollution from the site. Councillor Cook suggested that the proposed service building was large and may be a precursor for future expansion of the site. Appropriate conditions should be added to any planning consent to restrict future development.

Responding to the points raised, the Head of Planning Management drew attention to the responses from statutory consultees as detailed in the Report. The Committee was also advised that East Hampshire District Council's Highway Officer had raised no concerns with regard to increased traffic in the vicinity.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) set out in the Report.

The following item had no public participation.

Item 2: West Hayes Lodge, Sarum Road, Winchester – Case Number 09/02317/FUL

The Head of Planning Management drew attention to a correction to the Report. Plots 4 – 7 were four bedroomed dwellings, not three bedroomed as described.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) 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 (St John's Croft, Blue Ball Hill, Winchester), planning permission be refused, with authority delegated to the Head of Planning Management (in consultation with the Chairman) to agree detailed wording of the reasons for refusal as agreed by the Committee based on the following:

'The application had not overcome the issue of the development's overbearing impact upon adjoining dwellings in St Martins Close, as previously highlighted by the Inspector. In addition, Members considered that, by way of the applicant's redesign to overcome this issue, the living accommodation for the occupants of these houses was likely to be unsatisfactory with regard to its design with non opening obscure glazed windows'.

3. That, in respect of Item 3 (13 City Road, Winchester), planning permission be refused for the reasons set out in the Report with the exception of Reason 1, which the Committee did not support.

3. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Report detailing the current position regarding the development of student accommodation, Queens Road, Winchester.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)
		Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment. (Para 6 Schedule 12A refers)

4. **REPORT DETAILING THE CURRENT POSITION REGARDING THE DEVELOPMENT OF STUDENT ACCOMMODATION, QUEENS ROAD, WINCHESTER**
(Report PDC845 Refers)

The Committee noted that this Report had not been notified for inclusion within the statutory deadline. The Chairman agreed to accept this item onto the agenda, as an item requiring urgent consideration, in order that the matter could be dealt with as soon as possible.

Mr Woolgar and Mrs Dudgeon (residents) spoke with regard to the item. Councillor Mather (a Ward Member) also spoke.

In summary, Councillor Mather referred to the overbearing nature of the development, particularly to Milnthorpe Lane. She was concerned at the likelihood for significant light pollution from the development and of loss of amenity to residents from overlooking. Councillor Mather referred to the previous determination of the planning application for the development by a Planning Development Control (Viewing) Sub Committee on 22 January 2008, which had discussed the use of louvers to alleviate concerns of overlooking and of light pollution. This matter had also been raised by objectors to the

application. Councillor Mather requested that the matter be resolved as soon as possible.

Responding to the comments raised, the Head of Planning Management referred to the applicant's installation of 'Brise Soleil' type louvers to the southern elevation windows. These would shield rooms from solar gain, although were not intended to restrict outlook to neighbouring properties. The applicant advised that they believed that they had complied with the terms of the planning permission. This was because the previous drawings submitted, which indicated louvers to shield the whole of the window areas to the southern elevations of blocks 4 and 7, had not been an indication of an intention for their installation. Officers, however, drew attention to the requirement of condition 2 that stated that details of louvers be submitted for approval. The failure of the applicant to meet this requirement of condition 2 amounted to a breach of planning control and officers were currently negotiating with the applicant with regard to this matter.

The Head of Legal Services also clarified that the matter was being progressed by officers and it was hoped that a satisfactory resolution could be achieved.

The Committee urged that these discussions should be undertaken vigorously and at the highest level of officer seniority. It was also noted that the development was close to completion and therefore this period of time should be maximised for negotiations.

RESOLVED:

1. That the officer's opinion regarding the position in relation to planning permission 07/02101/FUL and specifically in regard to the finished treatment of the southern elevation of the development, be noted.
2. That the continued efforts of officers to secure compliance with the requirement of condition 2 regarding the approval of details of louvers on the southern elevation and the installation of such louvers on the building be endorsed and any enforcement that may be deemed appropriate by officers, if the situation is not satisfactorily resolved, be supported.

The meeting commenced at 9.30am, adjourned for lunch between 1.30pm and 2.15pm and concluded at 6pm

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE : DEVELOPMENT CONTROL MEETING

DECISIONS

11.03.2010

PART II DEVELOPMENT CONTROL APPLICATIONS
AND DECISIONS THEREON

Winchester Town

Ward

St John And All Saints

- 1 **Conservation Area:** Winchester Conservation Area
- Case No:** 09/02461/FUL
- Ref No:** W14299/08
- Date Valid:** 27 November 2009
- Grid Ref:** 448819 129556
- Team:** EAST **Case Officer:** Lorna Hutchings
- Applicant:** Sarum Developments Ltd
- Proposal:** 14 no. dwellings comprising of 1 no. five bedroom house, 1 no. four bedroom houses, 5 no. three bedroom houses, 2 no. two bedroom houses, , 1 no. one bedroom apartment and 4 no. two-bed apartments with parking, landscape and improvements to access. (RESUBMISSION)
- Location:** Land Adjacent To St John's Croft, Blue Ball Hill, Winchester, Hampshire
- Officer** PER
- Recommendation**
:

Committee Decision:

Recommendation overturned:
REFUSED SUBJECT TO THE FOLLOWING REFUSAL REASON(S):-

Conditions/Reasons

- 1 The proposal is contrary to policy DP.3 of the Winchester District Local Plan Review for the following reasons:-
- (i) The proposed development, notwithstanding the design changes from that previously dismissed at appeal, continues to have an unacceptable adverse impact on adjoining property in that it represents an overbearing form of development in relation to the occupiers of dwellings in St Martins Close by virtue of the levels differences which are exacerbated by the siting of the building on the highest part of the site.
 - (ii) The proposed development by virtue of the inclusion of non-opening obscure glazed windows to serve bedrooms, bathrooms and a living room would result in unacceptable living conditions for future occupiers of the building.

Winchester Town

Ward

St Paul

2 Conservation

Area:

Case No: 09/02317/FUL

Ref No: W19405/03

Date Valid: 11 November 2009

Grid Ref: 446588 129307

Team: EAST **Case Officer:** Mr James Jenkison

Applicant: Mr Stuart Forrester

Proposal: (AMENDED PLANS) Demolition of existing dwelling and erection of three No. 2 bedroom flats, one No. 1 bedroom flat over garages and four No. 4 bedroom dwellings and associated parking and access improvements

Location: West Hayes Lodge, Sarum Road, Winchester, Hampshire, SO22 5EZ

Officer PER

Recommendation

:

Committee Decision:

APPROVE 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 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. 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:

- common and private areas of landscaping:
- existing and proposed finished levels or contours:
- carparking layout:

- other vehicle and pedestrian access and circulation areas;
- means of enclosure, including any retaining structures and boundary treatment:
- hard surfacing materials:
- minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting etc):
 - proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):

Soft landscape details shall include the following as relevant:

- 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:
 - retained areas of grassland cover, scrub, hedgerow and woodland
 - manner and treatment of watercourses, ditches and banks:
 - implementation programme.

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 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, (other than the back garden areas for plots 4-7 north of the existing fence line shown on the approved plans), shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The landscape management plan shall be carried out in accordance with the details hereby approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

6 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. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

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

7 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.

8 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.

9 Before the development hereby approved is first brought into use, the access shall be splayed back at an angle of 45 degrees.

Reason: In the interests of highway safety.

10 Before the development hereby approved is first brought into use, visibility splays of 2.4m by 43.0m shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles at all times. No structure, erection or vegetation exceeding 600mm in height above the level of the adjacent highway shall be permitted within the splays.

Reason: In the interests of highway safety.

11 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.

12 The parking spaces hereby approved (including the parking spaces under the dwelling annotated as plot 8 on drawing no.PL.31 dated 09.11.09 Rev C, received 22 January 2010 shall not be used for any other purpose than the parking of cars.

Reason: To ensure that the building here is retained as a flat above a communal garage space only which is important for maintaining good levels of amenity for the development and neighbouring properties.

13 The parking spaces at ground level underneath the dwelling annotated as plot 8 on drawing no.PL.31 dated 09.11.09 Rev C, received 22 January 2010 shall remain unenclosed and shall not at any time be incorporated with the flat/dwelling above.

Reason: To ensure that the building here is retained as a flat above a communal garage space only which is important for maintaining good levels of amenity for the development and neighbouring properties.

14 The flat above the garage annotated as plot 8 on drawing no.PL.31 dated 09.11.09 Rev C, received 22 January 2010 shall remain as a flat and shall not at any time incorporate any surrounding land as private garden or parking spaces.

Reason: To ensure that the proposed development presents an acceptable level of planting and amenity at site boundaries and to ensure that the parking forecourt of the development is retained as a singular space that contributes to the amenities of the development.

15 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, D and E 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 adjoining residents and to ensure a good quality environment.

16 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 windows, dormer windows or rooflights other than those expressly authorised by this permission shall, at any time, be constructed in any west facing elevations and roofslopes of the dwellings and flat over garages (annotated as plot 8 on drawing no.PL.31 dated 09.11.09 Rev C, received 22 January 2010). For the avoidance of doubt, the infilled windows in the north elevation of the flat over garages annotated as plot 8 on drawing no.PL.31 dated 09.11.09 Rev C and detailed on drawing no.PL.34 dated 09.11.09 Rev B shall be constructed as solid brick infill prior to the occupation of the flat and shall be thereafter retained as such.

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

17 All works relating to the demolition of the existing dwelling on the site shall be undertaken in accordance with the recommendations set out in Paragraph 2.1 of the Bat Mitigation Strategy by 4 Woods Ecology dated January 2010. Prior to commencement of demolition work at batbox shall be erected on the site in accordance with Paragraph 2.2 of the Bat Mitigation Strategy and thereafter retained in perpetuity.

Reason: Bats are a protected species and the demolition of the house will require that if any are discovered they are adequately provided for.

18 Prior to the occupation of any dwelling on the site the provision of bat roosts in accordance with Paragraph 2.3 and Map 1 of the Bat Mitigation Strategy shall be installed on the new building for plots 1-3 and thereafter retained in perpetuity.

Reason: Bats are a protected species and the development of the site is required to ensure that they are adequately provided for.

19 None of the dwellings of the development hereby approved shall not be occupied until a system for the disposal of sewage and surface water (including methods for the retention/management of greywater and stormwater within the site, such as water butts) has been provided on the site in accordance with details (including layout plans, sections, calculations and identification of management responsibilities post implementation) to be first submitted to and approved in writing by the Local Planning Authority.

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

20 Details of the floor slab levels and existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the site. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of the locality and neighbouring residents.

21 In this condition "retained tree" means all trees on the site and on adjacent land unless specifically recommended for removal in the arboricultural impact appraisal and method statement prepared by Barrell Tree Consultancy and dated 9 November 2009 ref: 8019-AIA2-DC.doc - 09/11/09 and submitted as a part of this application and paragraphs and (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building(s) for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the details of the arboricultural impact appraisal and method statement prepared by Barrell Tree Consultancy before any equipment, machinery, or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

For the avoidance of doubt, only those trees within tree group G12 that have been outlined in red on the plan submitted with the arboricultural impact appraisal and method statement prepared by Barrell Tree Consultancy (ref: 8019-BT3) are hereby permitted to be removed and replaced.

Reason: To retained the well treed character of the locality.

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:-

Winchester District Local Plan Review 2006: DP3, DP4, DP5, DP9, H3, H7, RT4
South East Plan 2009: CC6

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 Sundays or recognised public 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.

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

Should you require further information please contact the Environmental Health Department.

4. The applicants attention is drawn to the fact that it is an offence to undertake works that affect the habitat of protected species without first undertaking appropriate surveys and providing a mitigation strategy and first obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005. As bats have been identified on the site you should accordingly liaise with Natural England to ensure that the provisions of the following legislation are satisfied before any work is commenced on site pursuant to the permission hereby granted: Parts IV and Annexe A of circular 06/2005 'Biodiversity and Geological Conservation'; Section 40(1) of the Natural Environment and Rural Communities Act 2006 and Regulation 3(4) of the Conservation (Natural Habitats & c) Regulations 1994 and section 74 of the Countryside and Rights of Way Act 2000.

5. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development please contact Atkins Ltd., Anglo Street, James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858688), or www.southernwater.co.uk.

Winchester Town

Ward

St Bartholomew

- 3 Conservation Area:** Winchester - Designated as 3 separate areas Dec 1967 and May 1969
Extended February 1981, June 1986 and January 1990 Now combined into one area.
Published 2003
- Case No:** 09/01506/FUL
Ref No: W06671/04
Date Valid: 26 August 2009
Grid Ref: 447964 129871
Team: WEST **Case Officer:** Mr James Jenkison
Applicant: Mr Mohamed Bakhaty
Proposal: Erection of a four storey mixed use building incorporating ground floor office and three 2 bedroom flats (RESUBMISSION)
Location: 13 City Road, Winchester, Hampshire, SO23 8SD
Officer: REF
Recommendation:
:

Committee Decision:

REFUSED SUBJECT TO THE FOLLOWING REFUSAL REASON(S):-

Conditions/Reasons

- 1 The proposed development fails to make adequate provision for cycle storage and is therefore considered to be contrary to Policy T4 of the Adopted Winchester District Local Plan Review 2006 and Policy T4 of the South East Plan.
- 2 The proposed development is contrary to PPG16 and Policies HE1 and HE2 of the Adopted Winchester District Local Plan Review 2006, in that it fails to provide adequate information relating to the impact of the scheme on local archaeology and scheduled ancient monuments, on a site which is known to be of archaeological importance. Consequently the development may result in the loss of, or unacceptable damage to, archaeological features or remains.
- 3 The proposal is contrary to Policy DP.9 of the Adopted Winchester District Local Plan Review 2006 in that it fails to make adequate provision for improvements to transport and the highway network, in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.
- 4 The proposal is contrary to Policy RT4 of the Adopted Winchester District Local Plan Review 2006 in that it fails to make adequate provision for public recreational

open space to the required standard, and would therefore be detrimental to the amenities of the area.

5 In the absence of an arboricultural impact assessment the Local Planning Authority cannot be satisfied that the development would allow for the protection and retention of trees that make an important contribution to the Conservation Area and townscape of Winchester, contrary to policies DP1, DP4 and W1 of the Adopted Winchester District Local Plan Review 2006.

Informatives

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

Winchester District Local Plan Review 2006: DP3, DP4, DP9, W1, HE2, HE5, RT4
South East Plan 2009: CC6, BE6

Colden Common

Ward

Colden Common And Twyford

4 Conservation

Area:

Case No: 09/02483/OUT

Ref No: W11740/07

Date Valid: 1 December 2009

Grid Ref: 447136 121328

Team: EAST

Case Officer: Mr Nick Fisher

Applicant: J P Oils

Proposal: Removal of B8 use and demolition of commercial buildings and associated structures and replacement with 2 No. dwellings (RESUBMISSION)

Location: Stables At Cuckoo Bushes, Lordswood, Highbridge, Winchester, Hampshire, SO50 6HR

Officer REF

Recommendation

:

Committee Decision:

REFUSED SUBJECT TO THE FOLLOWING REFUSAL REASON(S):-

Conditions/Reasons

1 The proposed development is contrary to policies H3 and H4 of the Winchester District Local Plan Revised 2006 and PPS7 and PPS3, in that the site is not within the settlement boundary of Colden Common or within one of the other settlements listed in annex C of the Supplementary Planning Document 'Implementation of Infilling Policy' where residential development may be acceptable.

The proposal would therefore result in undesirable additional residential buildings within the countryside for which there is no overriding justification. Furthermore the proposal would represent an unsustainable form of development because of its rural location that would set an undesirable precedent for residential development within rural areas.

2 The proposal is contrary to policy DP3 and CE5 of the Winchester District Local Plan Review for the following reason:-

a) The proposed residential buildings and associated curtilages and hardstandings will appear to be intrusive within a countryside area. The proposed development will lead to further urbanisation thus harming the rural character of the area.

3 The proposed development is contrary to policy DP1, DP4, DP13 of the Winchester District Local Plan Review 2006 and PPS9 Biodiversity and Geological Conservation, and PPS 23 Planning and Pollution Control for the following reasons:-

a) Insufficient information has been provided regarding the impact of the development upon local wildlife and ecology. As a result it is not possible for the Local Planning Authority to properly assess the impact of the development upon biodiversity and agree upon appropriate mitigation measures. This is needed to ensure that the development does not pose unacceptable risks upon human health and the environment.

4 The proposal is contrary to Policy RT4 of the Winchester District Local Plan Revised 2006 in that it fails to make adequate provision for public recreational open space to the required standard, and would therefore be detrimental to the amenities of the area.

Informatives

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

Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP9, DP13, CE5, E2, H3, H4, H7, RT4, T1,T2,T3,T4.

South East Plan 2009: CC6

Bighton

Ward

The Alresfords

5 Conservation

Area:

Case No: 09/02070/FUL

Ref No: W21429/01

Date Valid: 14 October 2009

Grid Ref: 463035 132968

Team: EAST **Case Officer:** Mrs Jane Rarok

Applicant: Mrs Carol Parham

Proposal: 4no. Timber framed pod structures: Ancillary utility block to provide ground floor toilet, shower, laundry, communal room facilities with 3 bay garaging/secure storage for the holding and first floor admin office, create access within site and other associated works (RESUBMISSION)

Location: Land To The South Of Cartref, Sutton Wood Lane, Bighton, Hampshire

Officer: PER

Recommendation

:

Committee Decision:

APPROVE 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 four pods hereby permitted shall be used for holiday accommodation only which shall be limited to any one occupier occupying any of the Pods for a maximum period of 4 weeks and for no more than 3 times per year, with a break between each occupation, by the same occupier, of 4 weeks. A register of the names of the occupiers of the Pods and their arrival and departure dates shall be kept by the owner and shall be produced to the Local Planning upon reasonable notice.

Reason: To accord with the terms of the application since the site lies within an area where residential properties would not normally be permitted.

3 No floodlighting whether free standing or affixed to an existing structure, shall be provided on the site at any time without the written approval of the Local Planning Authority.

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

- proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):
- existing and proposed finished levels or contours:
- hard surfacing materials:
- means of enclosure, including any retaining structures:

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:

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

5 - implementation programme:

Soft landscape details shall include the following as relevant:

- planting plans:
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- written specifications (including cultivation and other operations associated with plant and grass establishment:

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6 An Arboricultural Impact Appraisal and Method Statement, in accordance with BS5837:2005, shall be submitted to and approved by the Local Planning Authority, prior to any construction or groundwork commencing on the site. The report shall include details of the proposed foundations for the pods and facilities building, tree protection measures during construction including the position of nature of protective fencing. The development shall be undertaken in accordance with the approved method statement.

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

7 The facilities building hereby permitted shall not at any time be used for overnight accommodation.

Reasons: to ensure that the building is not used for living accommodation in an area where this would be contrary to development plan policies.

8 Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment 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. NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

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

9 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the Pods and facilities building 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.

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:-

Winchester District Local Plan Review 2006: DP3, CE28, RT17, RT18
South East Plan 2009: TSR2 and TSR5

3. The applicant is advised that this permission relates only to the four Pods and the facilities building and does not extend to, or include, the five touring caravan/motorhomes, which are considered permitted development under Part 5 of the General Permitted Development Order and also covered under separate legislation including The Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

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 recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

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