

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**22 June 2010****Attendance:**

Councillors:

Johnston (Chairman) (P)

Barratt (P)
Bell
Fall
Pearce (P)Huxstep
Jeffs
Lipscomb (P)
Tait (P)**Others in attendance who did not address the meeting:**

Councillor Cook

Officers in Attendance:Mrs J Pinnock – Planning Team Manager
Mrs A Swain – Principal Planning Officer
Mr A Rushmer – Planning Officer
Mr B Lynds – Planning and Projects Barrister
Mr I Gurdler – Environment Officer (Grounds)

1. CHAIRMAN'S ANNOUNCEMENT

The Sub-Committee met at Winchester Guildhall, where the Chairman welcomed to the meeting 13 members of the public, including representatives of the applicant.

2. LAND EAST OF NEW FARM ROAD, ALRESFORD – CASE NUMBER 09/02685/FUL

[\(Report PDC853 Item 1 refers\)](#)

The Chairman reminded the Sub-Committee that the application had last been considered by the Planning Development Control Committee at its meeting held on 27 May 2010. At that meeting, Members had agreed that the application should be determined by the Planning Development Control (Viewing) Sub-Committee, following a site visit. The Committee had agreed that it was unable to determine the application, without first visiting the site, in order to visualise the applicant's proposals. Those proposals had been prepared in the context of the Planning Inspector's comments, following refusal at appeal of the previous scheme.

Immediately prior to the public meeting in the Guildhall, Winchester, the Sub-Committee visited the site. At the site visit, the Sub-Committee was joined by Councillor Cook (a Ward Member) and representatives of the applicant. Due to difficulties of access to the former railway cutting, Members viewed the proximity of the proposals from gardens in New Farm Road (from the properties "Emmaus" and "Glenholm" which were immediately adjacent to the cutting), from De Lucy Avenue and from South Close. Members were also shown the location of the proposed new highway access to the site and the new pedestrian footway at New Farm Road, and through the site to Bridge Road. Members also noted the existing trees at the site and position of the relocated proposed public open space.

At the public meeting which followed, by way of a personal statement, Councillor Pearce advised that he had been unable to attend the site visit held earlier that day due to other commitments. However, he explained that he was familiar with the site as he had attended a previous site meeting at the railway cutting, Alresford and that he had voted for the matter to be determined by the Viewing Sub Committee on this occasion, as he believed that it would be of assistance to the new Members on the Committee.

In introducing the application, Mrs Swain reminded Members of the main issues regarding the application as set out in the Report. In summary, the application proposed the residential development of 23 dwellings with associated parking, landscaping and new access from Bridge Road, inclusive of the re-profiling of parts of the former railway cutting.

She explained that the applicant had appealed against the Council's previous decision to refuse planning permission at the site and that this appeal had been dismissed in September 2009. The Planning Inspector's reasons were set out in the Report. This latest application therefore attempted to address those reasons for refusal given by the Inspector.

Mrs Swain set out the main differences between the previously refused scheme and the revised application. These included; one area of public open space totalling 778 square metres (which was previously two smaller areas); the apartment block had moved back further eastwards into the site and a new block of town houses had been located between Glenholm and Emmaus, respecting the building line along New Farm Road. In response to the Inspector's concerns, the apartment block's style and elevations had also been revised. A revised arboricultural statement now included the retention of mature trees at the top of the cutting, which the Inspector had said were important to the character and appearance of the area. In summary, the proposed development would not have a negative impact on the amenity of neighbouring properties.

In conclusion, Mrs Swain advised that she was satisfied that the revised scheme, as set out, overcame the concerns of the Inspector. The Committee was also reminded that the scheme would provide Alresford with eight new

affordable units, an area of public open space, new access from the public realm to the site and a new pedestrian footway along New Farm Road.

Mr Gurdler explained that many of the trees growing on the sides of the cutting were unstable, poor quality sycamores which should be removed. The applicant proposed that new trees would be planted and retained by gabions along the top of the cutting and the mature trees were now protected. Mr Gurdler confirmed that the mature trees had sufficient anchorage and would not have their roots undermined by the removal of trees from the sides of the embankment.

During discussion, Mrs Swain clarified that the base of the existing cutting would be levelled off by using material recovered from the re-grading of the cutting's sides. There was no requirement for additional material to be brought on site for this purpose. Mrs Swain also showed the elevations of the newly designed apartment block and the town houses, especially in relation to Emmaus and Glenholm. She demonstrated how changes to their position and design (especially the side elevations) had successfully overcome the Inspector's previous concerns regarding the impact of the development on their amenity.

Mrs Swain also responded to Members' concerns that the quality of the living accommodation of the new dwellings may be compromised due to a lack of sunlight. She explained that the majority of dwellings on the development had their living space above cutting level, were also south facing and had outside decking areas. It was mainly utility rooms and garages below that level. Although some apartments appeared to be located below cutting level, she reminded Members that the levels of this were to change as part of the development.

With regard to comments from New Alresford Town Council that the development may be incompatible with the principles of the New Alresford Design Statement, Mrs Swain drew attention to the many varied styles and ages of houses in the town and she was satisfied that this new development would be a positive addition. She also advised that both Hampshire County Council's Ecological Officer and Natural England had been consulted on the applicant's ecological report and had found the proposals satisfactory, subject to the inclusion of Condition 16 to ensure that any ecological interest on the site was properly dealt with.

At the conclusion of further 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, subject to the applicant entering into an agreement under the provisions of Section 106 to the Town and Country Planning Act to secure the following matters to the satisfaction of the Head of Legal Services:

1. A financial contribution for open space sport provision and on-site play provision;
2. The provision of 8 units of affordable housing;
3. The setting up of a management company to maintain all common areas within the development, including the banks of the cutting, all tree cover within the site that is not privately owned, the open spaces, footpaths including the New Farm Road pedestrian bridge, roads, parking and turning areas and the drainage infrastructure serving the development;
4. The provision of a returnable bond to cover the laying out of the on-site public open space;
5. Public Open Space laying-out inspection fee;
6. The provision of a footpath to New Farm Road bridge and public rights of way over it to link with the existing footpath in New Farm Road to the north and south sides of the bridge;
7. The securing of a public right of way for use by pedestrians and cyclists through the site from New Farm Road to Bridge Road.

Application Permitted, subject to the following conditions:

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

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 for 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:

- a) existing and proposed finished levels or contours;
- b) means of enclosure, including any retaining structures and details of the gabion wall supporting the sides of the cutting;
- c) other vehicle and pedestrian access and circulation areas;

- d) hard surfacing materials;
- e) minor artefacts and structures (eg. street furniture, refuse or other storage units, signs, lighting, utility apparatus etc);
- f) 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:

- g) planting plan;
- h) written specifications (including cultivation and other operations associated with plant and grass establishment;
- i) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- j) retained areas of grassland cover, scrub, hedgerow, trees and woodland;
- k) manner and treatment of banks;
- l) 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 in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner, 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 privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. 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. 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.

7. 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.

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

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

9. Before the development hereby approved is commenced details of the design, means of construction and finish of the proposed footpath to New Farm Road shall be submitted to and approved in writing by the Local Planning Authority. Details of the arrangements to be put in place to secure the subsequent maintenance in perpetuity of the footpath (which will not be publicly adopted) shall concurrently be provided to and approved in writing by the Local Planning Authority. The footpath provision shall be implemented as approved before the apartment block and associated open space is completed and first occupied.

Reason: To ensure that the improvements to the pedestrian facilities in New Farm Road are provided as proposed, made available to serve the residents of the development hereby approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

10. Detailed proposals for the disposal of foul and surface water, including the central storage and pumping facility to connect to the main sewer in Bridge Road and the surface water Sustainable Drainage System, 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 occupied or in accordance with any phased implementation, details of which 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.

11. 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.

12. Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provision of Condition 11 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 Condition 10 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.

13. 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.

14. 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, 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 amenity and privacy both between occupiers of properties within the development and of those occupying properties adjoining the development.

15. 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 windows, doors, dormer windows or roof lights other than those expressly authorised by this permission shall, at any time, be constructed in any of the elevation(s) of the dwelling houses hereby permitted.

Reason: To protect the amenity and privacy both between occupiers of properties within the development and of those occupying properties adjoining the development.

16. In accord with the recommendations of the supporting Flora and Fauna Report, the applicant or their agents or successors in title shall ensure that before development commences a detailed Phase II ecological investigation and survey of the site at an appropriate time of year is undertaken to ensure that no protected species are present on the site. The findings of such survey shall be submitted to the Local Planning Authority for consideration together with a scheme of mitigation and programme for implementation of such measures. The development shall be undertaken in adherence with an approved landscaping, native planting and ecological enhancement scheme. Such scheme shall demonstrate that habitat, connectivity and the site have been enhanced for biodiversity in line with PPS9 and include features such as bird and bat boxes. Any site clearance of trees or scrub should be undertaken outside of the bird breeding season. The approval in writing of the Local Planning Authority shall be obtained before any work is commenced and the approved details shall be fully implemented as approved before the dwellings are occupied.

Reason: To ensure that any ecological interest on the site is properly dealt with.

17. In this condition, "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs (a) and (b) below shall have effect until the expiration of five 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.

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

Reason: To ensure the protection of trees, which are to be retained.

18. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference AIA/AMS-KC/cbank/bridgeroad/001 written by Kevin Cloud of Technical Arboriculture Limited 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.

19. The Arboricultural Officer shall be informed as soon as the construction exclusion zone has been fenced so that it can be inspected and deemed appropriate and in accordance with the approved Method Statement. Contact 01962 848403. No arboricultural works shall be carried out to trees other than those specified and in accordance with the Method Statement AIA/AMS-KC/cbank/bridgeroad/001. Any deviation from works prescribed or methods agreed in accordance with the approved Method Statement shall be agreed in writing with the Local Planning Authority.

Reason: To ensure 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 Arboricultural Officer prior to commencement of development work. The supervision and implementation of Method statement AIA/AMS-KC/cbank/bridgeroad/001 shall be undertaken by Kevin Cloud of Technical Arboriculture Limited.

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

21. 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 future occupants.

22. Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provision of condition number 21 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 condition number 21 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.

23. 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.

24. 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), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
 - 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.
- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: This site overlies the Newhaven Chalk that is classified as a principal aquifer. The site is located within the groundwater Source Protection Zone (SPZ) 1 for the Itchen Valley Trout Farm Abstraction. Therefore, the site is considered to be sensitive with respect to controlled waters. Due to the historic use of the site as a railway there is potential for contamination to exist at this site.

25. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reasons: To ensure that any remediation is satisfactorily completed, if deemed necessary.

26. 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 amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: To protect controlled waters from contamination. Due to the historic uses of the site, there may be areas of contamination on site that are not identified and characterised during intrusive site investigations.

26. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface waters has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: To protect controlled waters from contamination. Surface waters should not be disposed of to infiltration systems in areas of identified contamination or within the SPZ1, as this could mobilise contaminants to the principal aquifer and would pose a risk of pollution to controlled waters (including the principal aquifer, SPZ1 and the abstraction borehole).

27. No development, or works on 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:-
 South East Plan 2009: SP3, CC6, H5 and NRM11.
 Winchester District Local Plan Review: DP.1, DP.3, DP.4, DP.5, H.5, H.7, RT.4, T2,T.4,
3. The applicants attention is drawn to the Environment Agency's requirements set out in their consultation response dated 8 March 2010
- 4 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 St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858600) or www.southernwater.co.uk.
- 5 The applicant is advised that planning permission does not in any way override the need to comply with the relevant law in regard to the protected species including compliance with the terms and conditions of any licences required as described in Part IV of Circular 06/2005 absolute.
- 6 The applicant is advised that a licence will be required to carry out highway works. Please contact: The Area Surveyor, The Old College Street, Petersfield, GU31 4AE. Tel: 01730 266411
7. All work relating to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

3. **LINDUM, 91 DOWNS ROAD, SOUTH WONSTON – CASE NUMBER 09/00134/FUL**
 ([Report PDC853 Item 5 refers](#))

The Chairman reminded the Sub-Committee that the application had last been considered by the Planning Development Control Committee at its meeting held on 27 May 2010. At that meeting, Members had agreed that the application should be determined by the Planning Development Control (Viewing) Sub-Committee, following a site visit. The Committee had agreed that it was unable to determine the application without first visiting the site, in

order to visually assess the impact of the development on the character of the area. That assessment included having regard to the concerns raised by residents of Wrights Close to the rear of the site, regarding the impact of the development on their amenity.

Therefore, immediately prior to the public meeting in the Guildhall, Winchester, the Sub-Committee visited the site where they were joined by representatives of the applicant. Members viewed the proximity of the new dwellings (which were pegged out) from gardens in Wrights Close and also from Norris Gardens and from Downs Road.

By way of a personal statement, Councillor Pearce advised that he had been unable to attend the site visit held earlier that day due to other commitments. However, he explained that the owners of Lindum had allowed him on the site the previous evening, in order that he could familiarise himself with the matters raised by the Committee.

Mr Rushmer reminded the Sub-Committee of the main aspects of the proposals. In summary the application proposed the demolition of existing garages at 89 and 91 Downs Road to facilitate the erection of one no. two bedroom bungalow and one no. four bedroom house at the rear of 89 and 91 Downs Road.

He also advised that with reference to the concerns raised by neighbours to the rear of the site in Wrights Close, the applicant's architect had prepared an alternative means of fenestrating the rear elevation. That would avoid any clear glazed windows being orientated towards those properties. He advised that the Sub-Committee may wish to accept those amended plans, should it be agreed that the plans originally submitted had resulted in an unacceptable degree of overlooking.

Mr Rushmer also drew attention to changes made by the new Coalition Government to Planning Policy Statement 3 (PPS3), which removed the national target density of 30 dwelling per hectare, and amended the definition of previously developed land so that it now excluded private residential gardens. Those changes were relevant to the proposals under consideration. He explained that if a site was within a settlement boundary and the proposal was acceptable in all other planning respects, the fact that it was on a garden site would not, on its own, justify a refusal of permission.

Mr Rushmer concluded that, in the light of the changes to PPS3 as outlined above, it was still considered that the proposal was consistent with national planning guidance and therefore the recommendation to approve should remain.

During discussion, Mr Rushmer clarified that the majority of the objections to the proposals came from the residents of Wrights Close. Those included concerns of overlooking from the two story dwelling, in an area predominantly comprising of bungalows. Mr Rushmer demonstrated that from window to window, the development was 40 metres away from the nearest dwelling in

Wrights Close. It was considered that this was an acceptable distance and that any potential of overlooking was further overcome by mature vegetation at property boundaries.

Further to concerns from Members regarding the modern design of the new houses, Mr Rushmer drew attention to the mixed style of houses in the area, especially noting the more recent development on Norris Gardens to the south.

The Head of Legal Services clarified for Members that, although there may be strong opposition from local residents against a planning application, that in itself was not a material consideration. However, the Sub-Committee should give sufficient weight in determining the application to the planning reasons behind their objection.

The Sub-Committee discussed the issues of overlooking to Wrights Close and considered that they were not sufficiently serious to justify refusing the application. It therefore agreed that it would not be necessary to accept the amended plans as submitted by the applicant to address this issue.

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:

The application be approved – subject to the applicant entering into an agreement for:

1. A financial contribution of £9202 towards highway improvement
2. A financial contribution of £4685 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)

And the following conditions:

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. Prior to the commencement of development, details of the external finishing materials (including windows) are to be agreed in

writing by the local planning authority and the development carried out in accordance with the approved details.

Reason: In order to ensure that the appearance of the buildings is satisfactory, in accordance with the requirements of policy DP3 of the Winchester District Local Plan Review 2006.

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, D, E and G 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. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference AIA/AMS-KC/89&91 downs/001 written by Kevin Cloud of Technical Arboriculture LTD and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site, and retained during the construction period.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity, in accordance with the requirements of policy DP4 of the Winchester District Local Plan Review 2006.

5. 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 AIA/AMS-KC/89&91 downs/001 Telephone 01962 848403.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity, in accordance with the requirements of policy DP4 of the Winchester District Local Plan Review 2006.

6 The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre commencement site visit can be carried out. Telephone 01962 848317.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity, in accordance with the

requirements of policy DP4 of the Winchester District Local Plan Review 2006.

7. No arboricultural works shall be carried out to trees other than those specified and in accordance with Method Statement AIA/AMS-KC/89&91 downs/001.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity, in accordance with the requirements of policy DP4 of the Winchester District Local Plan Review 2006.

8. Any deviation from works prescribed or methods agreed in accordance with Method Statement AIA/AMS-KC/89&91 downs/001 shall be agreed in writing to the Local Planning Authority.

Reasons: To ensure protection and long term viability of retained trees and to minimise impact of construction activity, in accordance with the requirements of policy DP4 of the Winchester District Local Plan Review 2006.

9. 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 Arboricultural Officer prior to commencement of development work.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity, in accordance with the requirements of policy DP4 of the Winchester District Local Plan Review 2006.

10. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall incorporate more extensive planting than that shown on the plan submitted as part of the planning application, such as flowering cherry trees instead of conifer trees. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner.

If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: In order to ensure that the proposal has an acceptable impact on the character of the area, as required by policy DP3 of the Winchester District Local Plan Review 2006.

11. 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.

12. Prior to the commencement of development details of the proposed means of surface water disposal shall be submitted to and approved by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that adequate infrastructure is in place prior to the occupation of the dwellings permitted.

13. 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.

14. 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.

15. The garage 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 meets the Council's adopted parking standards, in the interests of local amenity and highway safety.

Informatives:

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.

The Local Planning Authority has taken account of the following development plan policies and proposals:-
Winchester District Local Plan Review 2006: DP3, DP4, H3, H7, DP9, RT4
South East Plan 2009: BE1, H5
Planning Policy Statement 1
Planning Policy Statement 3

The applicant is advised that a licence will be required to carry out highway works. Please contact: Hampshire Highways, Central Depot, Bar End Road, Winchester, SO23 9NP. (Telephone: 01962 892850).

The meeting commenced at 1.30pm and concluded at 2.45pm.

Chairman