

PLANNING COMMITTEE

04 February 2016

SILVER HILL DEVELOPMENT, TANNER STREET – DETAILS IN COMPLIANCE
WITH PRE COMMENCEMENT CONDITIONS

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Contact Officer: Lorna Hutchings Tel No: 01962 848290

RECENT REFERENCES:

PDC 673 06/01901/FUL Proposal Major comprehensive redevelopment by Thornfield Properties (Winchester) Limited for: approximately 2 hectares mixed-use site to include the erection of nine new buildings and the retention and conversion of the Woolstaplers Hall; providing 264 no. dwellings (including affordable housing); 5 no. (REVISED DESCRIPTION AND AMENDED APPLICATION). Committee resolved to Grant Planning Permission subject to S106 and Conditions 27.03.2007.

PDC 768 Amended proposals and amended description: (AMENDED DESCRIPTION 18.08.2008 AND AMENDED PLANS RECEIVED 18.08.2008 AND 21.08.2008) Major comprehensive redevelopment by Thornfield Properties plc for approximately 2 hectares mixed-use site to include the erection of nine new buildings and the retention and conversion of the Woolstaplers Hall; providing 287 no. dwellings (including affordable housing); 20 no. live/work units, retail units with associated service areas, offices, the provision of medical or health services alternatively to offices in Building B, bus station, youth centre, shopmobility office, public toilets, RAOB club, with associated car/cycle storage, landscaping and associated works. Committee resolved to grant planning permission on updated scheme subject to S106 and conditions 21.10.2008. (Planning permission issued 09.02.2009).

EXECUTIVE SUMMARY:

This matter is reported to Committee because it has been called in by Cllr Rose

Burns with reasons given appended in full (Appendix 1).

The application for consideration is for details submitted in compliance with the conditions attached to the above planning permission. These conditions require further information to be submitted to the planning authority for approval. This is not a planning application but is post-application work usually delegated to officers to deal with.

This report sets out the national planning policy framework and practice guidance for the determination of planning conditions. Attached to the report is the condition tracker (Appendix 2) which sets out the relevant condition numbers, wording of the condition, what the detail is that has been submitted to satisfy the condition (plan / document and reference) and the status of the condition i.e. can it be discharged in full or part because the details are acceptable. It is recommended that the details submitted are approved as set out in the status column in Appendix 2.

The condition tracker is divided into Site Wide or Phase One conditions and also notes which internal departments or external bodies have been consulted. A copy of the 2009 decision notice is appended in full for reference (Appendix 3).

RECOMMENDATIONS:

- 1 That in respect of planning permission 06/01901/FUL (Silver Hill, Winchester), the application for approval of details in compliance be approved and the conditions be discharged as set out in accordance with the details and status listed on the condition tracker (Appendix 2 to the report).
- 2 That delegated authority be given to the Head of Development Management to determine all remaining matters in relation to the discharge of the conditions at this site.

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04 February 2016

SILVER HILL DEVELOPMENT, TANNER STREET – DETAILS IN COMPLIANCE WITH PRE COMMENCEMENT CONDITIONS

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

DETAIL:

1 Introduction

- 1.1 An application has been received to discharge conditions imposed on the 2009 Silver Hill planning permission (06/01901/FUL). Paragraph 206 of the National Planning Policy Framework (NPPF) states “Planning conditions should only be imposed where they are: 1.necessary; 2.relevant to planning and; 3.to the development to be permitted; 4.enforceable; 5.precise and; 6.reasonable in all other respects.” The policy requirement is referred to in the guidance as the ‘six tests’. It was therefore considered that the conditions imposed at the time of the 2009 planning permission met the tests. At the time of that decision these principles were set out in Circular 11/95, which has now been superseded by the NPPF and National Planning Practice Guidance (NPPG).
- 1.2 Paragraph 030 of the NPPG notes that unless the permission otherwise states, planning permission runs with the land and any conditions imposed will bind future owners.
- 1.3 The request for approval of details required by conditions has been made to the Local Planning Authority. It has been made in writing, enclosing the relevant details in accordance with Paragraph 032 (NPPG). The planning permission is conditional, and requires further information to be submitted at specified trigger points. These conditions are usually technical in nature, and require the submission of detailed information. Each planning condition on the decision notice also has a reason which sets out why that information is required. It is important to have regard to the reason the information is required in considering whether the submitted details satisfy the requirement of the condition.
- 1.4 Many of the conditions deal with matters which are regulated through other legislation. In these cases, the local planning authority will consult with the relevant bodies to ensure they are satisfied with the details. The Council cannot impose its own assessment on these details.
- 1.5 The NPPG sets out the principles for dealing with the discharge of conditions. Paragraph 034 notes that “Development that is ready to proceed should not be held back by delays in discharging planning conditions. In most cases

where the approval is straightforward it is expected that the Local Planning Authority should respond to requests to discharge conditions without delay, and in any event within 21 days. Where the views of a third party such as a statutory consultee are required to discharge a condition, every effort should be made to ensure that the 21 day requirement can still be met”.

- 1.6 In this case the submission was made in two parts, registered on 10 December 2015 and 22 December 2015 respectively. All relevant consultees have been formally consulted and they are listed in the condition tracker in Appendix 2.
- 1.7 There is no validation process and therefore the details that are submitted must be assessed to determine if they are acceptable or not. If the information satisfies the condition it can be discharged in full, either site wide or for a phase. Alternatively, it is possible to discharge a condition in part. It is best practice for local planning authorities to work with applicants to set out what further information may be needed to enable the full or partial discharge of a planning condition. Only in rare cases would the local planning authority refuse the details.
- 1.8 The NPPG further advises that the Local Planning Authority must give notice to the applicant of its decision within a period of 8 weeks from the date the request was received, or any longer period agreed in writing between the applicant and local planning authority. If no extension of time is agreed for discharging the condition after 12 weeks, the local planning authority must return the fee to the applicant without further delay along with a decision on the request.
- 1.9 The 8 week date from the earliest submission falls on 4 February 2016. An extension of time will be agreed where any matters are not yet finally resolved. Officers are seeking the Committee’s agreement to delegate the discharge of the remaining conditions to Officers.
- 1.10 This application aims to satisfy all planning conditions which are required to be submitted prior to the commencement of development. Some of those are Site Wide and some relate to Phase One. This is set out in the condition tracker at Appendix 2. A phasing plan with a phasing programme has been submitted (as required by condition 37). This shows the extent of Phase One and the conditions tracker shows which conditions are being discharged in full or part. A plan is also appended for reference showing Building D and some of the private land around it which is now known as Phase One (appendix 4).
- 1.11 The condition tracker (Appendix 2) follows a standard format which enables complete clarity of what has been submitted and can be approved. This is essential for later on-going compliance and monitoring checks which will be undertaken during construction.
- 1.12 The recommendation is that Members approve the details in compliance application as set out in the condition tracker (Appendix 2) except in relation to conditions numbers 16 (contamination - Environmental Protection) and 18

(contamination - Environment Agency), where assessment is ongoing. An update will be provided at Committee on the status of the continuing dialogue with the Head of Environment Health and the Environment Agency.

- 1.13 It is further recommended that the Committee delegate the approval of the outstanding details to the Head of Development Management.

OTHER CONSIDERATIONS:

2 COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

- 2.1 Leader Portfolio Plan 2015/16 Prosperous Economy Priority Outcome. Objective: Support the Local Economy. Ensure that the Silver Hill redevelopment is delivered in a way which supports existing businesses as well as providing new opportunities for independent and multiple retailers.
- 2.2 Built Environment Portfolio Plan 2015/16 High Quality Environment Priority Outcome. Objective: Ensure that the quality of place we enjoy is maintained and enhanced. Start of Construction of Silver Hill. Delivery of a high quality, sustainable and inclusive development that will visually enhance and revitalise this part of the city centre and contribute towards the provision of housing, employment opportunities and transport to help meet local need.
- 2.3 Environment, Health and Wellbeing Portfolio Plan 2015/16 High Quality Environment Priority Outcome. Objective: Effective traffic management and support for transport provision. Continue to work with stakeholders to ensure successful provision of public transport, including resolution of bus interchange options for Silver Hill

3 RESOURCE IMPLICATIONS:

- 3.1 The Council must repay the fee paid if the discharge notice is not provided in 12 weeks.

4 RISK MANAGEMENT ISSUES

- 4.1 None

BACKGROUND DOCUMENTS:

None

APPENDICES:

1. Cllr Burns call in request.
2. Details in Compliance – condition tracker.
3. Planning Permission Decision Notice 06/01901/FUL.
4. Phasing Plan.

City Councillor's request that a Planning Application be considered by the Planning Committee

Request from Councillor: Rosemary Burns
Case Number: 06/01901/FUL
Site Address: Silver Hill, Winchester
Proposal Description: Scheme for development of a 5-acre city centre site
Requests that the item be considered by the Planning Committee for the following material planning reasons: See attached note

- Whilst requests will be accepted up to the determination of the application, Members should make their request as quickly as possible and preferably within the publicity period of the application. Otherwise the case may be determined under delegated powers soon after the expiry of the publicity period. The committee date for the application will depend upon when the request is received in relation to the committee cycle.
- It would be helpful if Members can indicate their preferred outcome to avoid it going to the committee unnecessarily
- Members should note that referral of an item to the Committee will require consideration as to whether a declaration of interests and / or pre-determination and bias may be necessary. If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting. *Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests, and on Predetermination or Bias in accordance with legislation and the Council's Code of Conduct.*

Once completed, please email this form to the relevant Planning Case Officer and the Head of Development Management.

Note for Planning Committee

I am requesting this referral, as a Councillor for the City Ward in which Silver Hill is situated. The developer (SW1) has applied for the discharge of the pre-commencement of works conditions required by the Grant of Planning Permission dated 9th February 2009, and Planning Obligations under Schedule 1 Part 1 of a S106 Agreement dated 28th January 2009, pursuant to a Development Agreement dated 22nd December 2004.

SW1 took over the scheme from the administrators of Thornfield Properties (Winchester) Ltd. in December 2010. It has had since then to satisfy the pre-commencement conditions but, despite a Compulsory Purchase Order being confirmed in February 2013, has chosen not to take steps to submit the requisite documentation for approval by WCC until the penultimate month before the expiry of the Planning Permission on 9th February 2016. **Much of the documentation bears dates in November and December 2015 and some of it bears all the hallmarks of a perfunctory and hastily performed exercise. Some of it is woefully inadequate to the extent of being derisory; this material should not have been validated when received by WCC officers.**

WCC should be instructing experts to examine the material, particularly in the case of the piling strategy where we need a Structural Engineer.

Dealing in turn with each of the conditions set by the Grant of Planning Permission:

Condition 2

Before any development commences on each phase of the development hereby permitted plans and particulars showing further detail of the proposals hereby approved for all the following aspects of the development (as applicable to that phase) shall be submitted to and approved in writing by the Local Planning Authority before each phase is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) in that phase is/are occupied unless the written approval of the Local Planning Authority is first obtained for any variation thereto.

(a) The alignment, height, materials and finished colour of any retaining walls or screen structures including that to the bus station in Friarsgate and all boundary treatments, including all walls, fences and other means of enclosure.

(b) Details of the provision to be made for any canopies to serve the bus stands, including the design, materials and finish.

(c) Details of the provision to be made for the storage and disposal of all waste material from the retail and employment units and from the residential units and the market, including the siting, design and materials for any bin storage areas or collection points.

(d) Details of the siting, design, finish and means of enclosure for any fuel oil or gas storage tanks. Any oil tanks shall incorporate adequate spillage containment facilities.

(e) *The finished levels, above ordnance datum, of the ground floor of the proposed buildings, and their relationship to the levels of external ground, existing and proposed and any existing adjoining buildings.*

(f) *Details of the siting, external appearance and materials to be used for any statutory undertakers or service provider's equipment such as electricity substations, gas governors.*

Reason: To comply with the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order).

Block D: submission dated 17.12.15

- It is stated that 2(a) is not applicable to Phase 1 (Bus Station). This is incorrect. 2(a) requires the provision of plans and particulars of the detailed proposals of "the alignment, height, materials and finished colour of any retaining walls or screen structures **including that to the bus station in Friarsgate** and all boundary treatments, including all walls, fences and other means of enclosure". It is clearly applicable to Block D as well as the site generally.
- It is stated that 2(c) is not applicable to Phase 1 (Bus Station). This is incorrect. 2(c) provides for "details of the provision to be made for the storage and disposal of all waste material from the retail and employment units **and from the residential units** and the market, including the siting, design and materials for any bin storage areas or collection points". It is clearly applicable to Block D as well as the site generally.
- It is stated that 2(d) is not applicable to Phase 1 (Bus Station). This is incorrect. 2(d) provides for "details of the siting, design, finish and means of enclosure for any fuel oil or gas storage tanks. Any oil tanks shall incorporate adequate spillage containment facilities". How is the heating to be provided to Block D?
- Where is the petrol interceptor that was supposed to be the subject of the works purportedly carried out (as a material operation in connection with Block D) in order to comply with the Works Commencement Date condition by 1st June 2015? Can you confirm whether this will actually form part of the development?

Condition 3

A fully annotated section of each elevation of each new building at a scale of 1:50 shall be submitted to and approved by the Local Planning Authority before each phase of the development is commenced. The development shall be implemented in accordance with the approved plans before each phase is occupied.

Reason: In the interests of visual amenity.

- The date of the drawings (on the Drawing List) is said to be 15th December 2003.
- The contractor is stated to be Galliford Try: no procurement exercise has been undertaken as was required under Clause 6 of the

Development Agreement, thus putting SW1 in breach of the contract. Is Galliford Try on the list of potential bidders in Schedule 5 to the Development Agreement?

- Given the 12-year gap between the date of the drawings submitted and the present date, it is not clear if these details fully comply with current building regulations. An expert should be instructed by WCC to examine the submission for compliance.

Condition 4

No development shall take place on each of the phases of the development until details and sample panels of the materials to be used for the construction of the external surfaces of that phase of the development hereby permitted have been submitted to / erected on site (as considered appropriate) 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.

This submission appears to be wholly inadequate and should not have been validated. Below is listed a series of questions as examples of the inadequacy of the submission:

- Have the developers provided a sample board?
- Have they constructed panels on site?
- Choice of pointing has not been finalised.
- The proposed rain screen timber battens appear to be very crude and unsatisfactory.
- None of the metal cladding is actually defined.

Condition 5

No development shall take place until a Sustainability Strategy setting out proposals for delivering the most up to date standards of renewable energy provision, carbon footprint reduction, sourcing of materials, local labour and reference to the Code of Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development incorporates appropriate and deliverable sustainability measures in the interests of environmental responsibility and the objectives of Local Plan policy DP6 and PPS 1 supplement Planning and Climate Change.

This submission is wholly inadequate and should not have been validated.

- Item 3: the “Carbon Reduction” statement is said to be “an example of our current construction partner’s approach to Carbon Reduction” and bears no relation at all to a Sustainability Strategy for Silver Hill, which isn’t even mentioned. Even if there had been a valid tendering process for a contractor, rendering this ‘example’ of some small relevance, this does not comprise a proper statement.

- Item 4: the submission in respect of Sustainable Homes is unacceptable, as clearly SW1's intention is to disregard the Code entirely. At a time when WCC is insisting on Code 5 as a minimum for all other developments, how can this be correct?
- Item 5: this part of the submission is totally inadequate. It does not demonstrate any knowledge of, or research into, Winchester District's local labour availability. In fact, the proposal is – without more – that “the majority of the labour force will come from the Solent LEP or further afield”. This is frankly unacceptable.

Condition 7

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. All approved measures must be fully implemented as set out and by such time as specified in the Construction Method Statement and Construction Code of Practice and they shall be adhered to throughout the construction period.

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

- This is not a phased condition but relates to the whole site. The drawing refers to Phase 1 only.
- The description of the method of works to be carried out is wholly inadequate.
- There is, for example, no explanation as to how Friarsgate Car Park and Kings Walk are to be demolished next to The Brooks.
- There is no plan of where the acoustic barriers are to be located.
- This gives no consideration to the residents of St John's Almshouses or Eastgate Street.

Condition 11

Unless otherwise agreed by the Local Planning Authority, before each phase of the development commences a scheme of water efficiency measures for the proposed development shall be submitted to and approved by the Local Planning Authority in writing and shall be carried out in accordance with the approved details before the occupancy of the phase of development commences.

Reason: There is a growing challenge to meet increased demands for water and balance the needs of the environment.

- This very brief A4 document (item 13) sets out general principles but no details – in fact it is stated that, “full details including schematic diagrams will be produced as part of the final design solution”. It doesn't even refer to Block D. This should not have been validated as a submission.
- It states that for the residential units a maximum daily demand will be

designed, in line with the Code for Sustainable Homes levels 3 and 4. WCC currently requires compliance with level 4 for all other developments.

Conditions 16 and 18

16 Development shall not commence until a scheme to mitigate the effect of any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be based upon a detailed site investigation and assessment of the extent of any contamination present and shall specify the measures to be taken to avoid risks to the public, buildings and environment when the site is developed. This site investigation report is to be included with the scheme details. Unless agreed otherwise in writing by the Local Planning Authority the approved scheme shall be completed prior to the occupation of the buildings.

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

18 Prior to the commencement of 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 desktop 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 desktop study;*
- c) A remedial strategy detailing the measures to be undertaken to avoid risk from contamination 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 observe the implementation of works.*

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

- This is a submission that needs the expert advice of a structural engineer instructed on behalf of WCC. The Environment Agency also need to become involved as a matter of urgency – see page 26 of the Ramboll report (item 14).
- The report makes clear that it is very critical that there are no pathways created from watercourses – there is a real need to assess whether the measures proposed, of which there are very few details, may create havoc in terms of contamination of the River Itchen and the Water Meadows (a Designated Special Area of Conservation and a Site of

- Special Scientific Interest under UK and EU law).
- Given the fact that major Roman aquifers are known to exist amongst archaeological remains of national/international significance below the site, and the fact that the substratum is an alluvial plain where the River Itchen flowed before being moved eastwards by the Romans, these conditions need extra careful consideration. The sensitivity of the site is recognised in the report.
 - The report at page 14 identifies a need for additional ground investigation works as the investigations undertaken to date have not addressed all of the site. Therefore, **the report does not comply with conditions 16 and 18.**
 - Ramboll say they are not able to provide advice on measures for dealing with asbestos during the construction works (page 17) and suggest that specialist advice should be required for additional investigation; therefore, **the report does not comply with conditions 16 and 18.**

Condition 19

Details of piling or any other foundation designs using penetrative methods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of the development. Approval shall be given where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

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

- This submission requires the expert advice of a structural engineer.
- There are generic sketches provided in Ramboll's report dated 25th November 2015 (item 15).
- There are no details provided of the structure or the piling or of the groundwater conditions beneath Block D.
- Full structural drawings are required.

Condition 21

21 The developer shall advise the local planning authority (in consultation with Southern Water) of the measures which will be undertaken to protect or divert the public sewers, prior to the commencement of the development. The approved measures shall be fully implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory drainage provisions are provided.

- This one-page A4, unheaded, submission dated 16th November 2015, from an unknown source (item 16), is wholly inadequate and should not have been validated.

- Far more information is required, together with detailed drawings, and – given the known unreliability of such records – there should have been exploratory digs undertaken to confirm the location of pipes.

Condition 23

The developer shall advise the local planning authority (in consultation with Southern Water) of the measures which will be undertaken to protect or divert the public sewers, prior to the commencement of the development. The approved measures shall be fully implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory drainage provisions are provided.

This submission includes a note, but certainly not an approval, from Southern Water (item 17). Page 3 refers to an inadequate capacity and, given the reference to a greater risk of flooding, this matter needs to be considered in the greatest detail by experts including the Environment Agency. [There has been no Strategic Flood Risk Assessment carried out – as should have been done and indeed was required to be done under the emerging LPP2].

Condition 24

The developer shall, prior to commencement of each phase of the development, submit to the Local Planning Authority details of the measures to be undertaken in that phase to divert / protect the public water supply mains and work shall not commence on that phase before such details are agreed in writing in consultation with Southern Water.

Reason: To ensure satisfactory water supply provisions are maintained.

This submission (consisting of 1/3 A4 page, unheaded and unattributed) is wholly inadequate and should not have been validated.

Condition 25

The method of demolition and construction for each phase of the development shall be carried out in accordance with a scheme to be approved in writing with the Local Planning Authority prior to the commencement of that development phase.

Reason: The site is in a very sensitive location with respect to groundwater, and in order to protect the quality of drinking water supplies the working methods will need to be carefully considered.

Due to the sensitivity of the location – and the size of the demolition job – there should be a separate demolition contract with detailed proposals. The documentation (supplied by Galliford Try) merely covers generic work.

Condition 26

*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 prior to the commencement of each phase of development. Such measures shall be retained for the duration of the construction period of each phase. 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.*

This submission merely consists of an Environment Agency/SEPA document, out of date since 14th December 2015 (item 23), and a wholly inadequate ½ A4 typed note, undated and unattributed. They should not have been validated. Condition 26, especially given the proximity of the River Itchen (SAC, SSSI), requires far more detail, with drawings and details of equipment to be used and how it is proposed to dispose of all the effluent.

Condition 28

*Development shall not commence on each phase until details of a scheme for limiting the transmission of noise between the units of residential accommodation in that phase and, any part of the development which is not exclusively used for purposes associated with a unit of residential accommodation, has been submitted to and approved in writing by the Local Planning Authority. All works, including detailing, shall be carried out in accordance with the approved scheme, before any of the units of accommodation in each individual phase are occupied.
Reason: To protect the amenities of future occupants of the dwellings.*

There is no noise consultant instructed. The note supplied (item 25) shows no details of what decibels are being created or targeted. There needs to be a sectional and structural drawing of the building. The drawings supplied are generic and it is unclear to which parts of the building they are supposed to apply.

Condition 36

No phase of 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 before each phase of development is occupied and brought into use. These details shall include the following, as relevant:

- (a) other vehicle and pedestrian access and circulation areas:*
- (b) minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc):*
- (c) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, including lines,*

manholes, supports etc.):

(d) retained historic landscape features including the proposed opening up of the watercourses and proposals for restoration.

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

Soft landscape details shall include the following as relevant:

(a) planting plans

(b) written specifications (including cultivation and other operations associated with plant and grass establishment):

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

(d) manner and treatment of watercourses, ditches and banks:

(e) implementation programme:

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

This submission is wholly inadequate and should not have been validated. It should be noted that the condition applies to all phases of the development, not just Phase 1 (Block D), and therefore **the submission does not comply with Condition 36**. Furthermore:

- All the information does is suggest where trees and plants may be planted.
- In terms of hard landscaping examples are given without any details being provided.
- Conspicuously absent are any details relating to (a) vehicular access, (c) nothing proposed, (d) nothing proposed. This is such a sensitive issue it warrants a massively researched and detailed report.
- There are no details at all provided in connection with soft landscaping plans (apart from plant schedules), in regard to (d) the highly sensitive watercourses and (e) the implementation programme.

Condition 37

Before development commences a programme of phasing for all development within the site and the associated street works outside of the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall include hard and soft landscaping, and street furniture. The development and associated works shall be carried out strictly in accordance with the approved phasing programme unless otherwise approved in writing by the Local Planning Authority, and the works associated with each phase of the development shall be implemented in full in accordance with the approved programme unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the phasing of development is satisfactory and provides for continuity in the provision of improvements to the public realm.

- This submission (item 26) appears to be already out of date. For instance, planning/S106 compliance is supposed to have been achieved in November 2015, yet it has not yet been done.
- I am particularly concerned that there is no timetabling for the archaeology on the new surgery site.
- There has been no procurement of the construction contract as is required by the Development Agreement and the 2009 planning permission.
- There may be a typographical error in the date under point 3.
- The RPS reports purportedly complying with the archaeological requirements of Schedule 2 of the S106 Agreement are superficial, highly repetitive and nowhere near what would be expected had this issue been considered before 15th December 2015. This is derisory in view of the expected value of the remains under the site.

Condition 40

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

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

This condition applies to the whole site, not just Block D. What we need is a drawing showing where the existing trees are, to include proposed buildings with service trenches, ditches, drains and other excavations on site so that we can compare the two.

Condition 41

All trees on and adjacent to the site, shall be retained, unless shown on the approved drawings and arboricultural report as being removed. They shall be protected from damage during the course of site works in accordance with BS5837 2005. 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 demolition, construction or groundwork commencing on the site.

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 the Tree Officer on 01962 848317.

No arboricultural works shall be carried out to trees other than those specified and in accordance with the approved Method Statement.

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

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

This is the only submission with which I can have no complaint, as it is clear that a lot of work has been put into the necessary reports by a reputable expert.

Folder 3: S106

Items 1-2 are unreadable.

Item 3 is derisory.

Item 4: where is the real time bus information specification? According to Hogan Lovell's letter to BLP date there will be no bus station.

Item 5 is particularly concerning and it cannot be the case that Henderson has complied with the obligation under paragraph 10.1, Part 1 of Schedule 1 of the S106 Agreement.

Ramboll: Outline Remediation Strategy

I haven't had time to go through the whole report but I would draw your attention to one paragraph on page 4 where it says, "no areas of enclosed car parking at ground level are proposed". Both Blocks C and D have enclosed car parking.

Rosemary Burns
City Councillor for St Bartholomew Ward

20th January 2016

Details in Compliance – condition tracker
Silver Hill Development Tanner Street Winchester Hampshire

SITE-WIDE PRE-COMMENCEMENT CONDITIONS			
COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
5.	No development shall take place until a Sustainability Strategy setting out proposals for delivering the most up to date standards of renewable energy provision, carbon footprint reduction, sourcing of materials, local labour and reference to the Code of Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority.	<ul style="list-style-type: none"> Condition 5 Energy & CO2 Statement - 11-12-15_Rev.02. Updated 22.01.2016 to include BREEAM 2300144 rating commitment of Very Good. Current construction partner's approach to Carbon Reduction Note OUTLINE EMPLOYMENT AND SKILLS PLAN WINCHESTER SILVER HILL Winchester Silver Hill No.1 Limited January 2016 Sustainability Strategy for Local Labour 	<p>Full Discharge</p> <p>Head of Building Control and Head of Economy and Culture consulted.</p>
16.	Development shall not commence until a scheme to mitigate the effect of any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be based upon a detailed site investigation and assessment of the extent of any contamination present and shall specify the measures to be taken to avoid risks	<p>A contamination mitigation scheme (Condition 16) and a scheme to deal with contamination (Condition 18) is set out in the following submission documents:</p> <ul style="list-style-type: none"> Silver Hill, Winchester: Outline Remediation Strategy (Sept 2015), Ramboll Thornfield Properties Plc, Silver Hill Renaissance, Contaminated Land 	<p>Condition 16 Cannot be Discharged (Site Wide or for Phase 1) at time of writing (26.01) update to be given at PDC.</p> <p>Discussions ongoing.</p> <p>Head of Environment Protection Contamination Officer consulted.</p> <p>The need to undertake further work to investigate the</p>

SITE-WIDE PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	to the public, buildings and environment when the site is developed. This site investigation report is to be included with the scheme details. Unless agreed otherwise in writing by the Local Planning Authority the approved scheme shall be completed prior to the occupation of the buildings.	<p>Desk, Study ISSUE 1 July 2006 Job number 113666-00</p> <ul style="list-style-type: none"> • Condition 16 and 18 Preamble Document Note received by email from Mike Bridges 18.12.2015. • Fugro Engineering Services Addendum (Monitoring Records with associated Laboratory Test Results) To The Final Factual Report On Ground Investigation Without Geotechnical Evaluation (G140020U_FinalAddendum.pdf) and; • Fugro Engineering Services Final Factual Report On Ground Investigation without Geotechnical Evaluation (G140020U_FinalFactual.pdf). • SILVER HILL, WINCHESTER Indicative Programme Summary. Drawn by: MB/JB/KB Prog No.OCP/1/C – Based On Early 2016 Start: Updated Date : 07/12/2015. • Site Wide Ground Plan Rev. 1 (to be further updated). 	<p>contamination potential on and within the immediate vicinity of the site is recognised with an undertaking that this will be completed in accordance with current guidance and best practice. It will be used to inform future investigations on a phased basis. It is accepted that a detailed site investigation cannot be completed until unrestricted access to the site has been granted and as such the proposal set out in the discharge submission is supported.</p> <p>Ramboll are producing a document that will address contamination for this scheme with an aim to satisfy the prior to commencement part of condition 16 (highlighted below).</p> <p>Ramboll are completing the desk study (Site-wide) and providing a detailed scheme for the additional investigation required to be undertaken as soon as access / ownership issues are sorted and in advance of the construction commencing on a phase by phase basis.</p> <p>The completion of the approved scheme in the remainder of the condition will be discharged on a phased basis on completion of the development and prior to occupation.</p>
18.	Prior to the commencement of development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), a		Condition 18 Cannot be Discharged (Site Wide or for Phase 1) at time of writing (26.01) update to be given at PDC.

SITE-WIDE PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	<p>scheme to deal with contamination shall be submitted to and approved, in writing, by the local planning authority.</p> <p>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.</p> <ul style="list-style-type: none"> 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 contamination 		<p>Discussions ongoing as above.</p> <p>Environment Agency – Planning Advisor consulted.</p>

SITE-WIDE PRE-COMMENCEMENT CONDITIONS			
COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	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 observe the implementation of works.		
21.	The developer shall advise the local planning authority (in consultation with Southern Water) of the measures which will be undertaken to protect or divert the public sewers, prior to the commencement of the development. The approved measures shall be fully implemented to the satisfaction of the Local Planning Authority.	<p>Details of the measures to be undertaken to protect or divert the public sewers are set out in the following document:</p> <ul style="list-style-type: none"> • Public Sewers Protection and Diversion Note • Further information related to position the of the foul manholes in Buskett Lane and their relationship to block D Phase 1 of the development provided in emails to SW 16.01 • RAM-D-OO-DR-S00100 Rev C03 	<p>Partial Discharge – Phase One.</p> <p>Southern Water consulted.</p>
37.	Before development commences a programme of phasing for all development within the site and the associated street works outside of the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall include hard and soft landscaping, and street	<p>A phasing programme for all development within the site and the associated street works outside of the site is set out in the following submission document:</p> <ul style="list-style-type: none"> • SILVER HILL, WINCHESTER Indicative Programme Summary. 	<p>Full Discharge</p> <p>Major Projects team and all consultees consulted / advised of phasing as relevant.</p>

SITE-WIDE PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	furniture. The development and associated works shall be carried out strictly in accordance with the approved phasing programme unless otherwise approved in writing by the Local Planning Authority, and the works associated with each phase of the development shall be implemented in full in accordance with the approved programme unless otherwise approved in writing by the Local Planning Authority.	<p>Drawn by: MB/JB/KB Prog No.OCP/1/C – Based On Early 2016 Start: Updated Date : 07/12/2015</p> <ul style="list-style-type: none"> • Site Wide Ground Plan Rev. 1 (to be further updated). 	
41.	<p>All trees on and adjacent to the site, shall be retained, unless shown on the approved drawings and arboricultural report as being removed. They shall be protected from damage during the course of site works in accordance with BS5837 2005. 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 demolition, construction or groundwork commencing on the site.</p> <p>The Arboricultural Officer shall be informed as soon as the construction</p>	<ul style="list-style-type: none"> • Condition 41 Arb Method Statement SJ Stephens Associates AMS Tree Survey, protection and method Statement; report date 14.12.2015. 	<p>Full Discharge Phase One</p> <p>Head of Landscape (Tree officer) consulted.</p> <p>The survey information has been updated; trees R38-R40 will be replaced.</p>

SITE-WIDE PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	exclusion zone has been fenced so that it can be inspected and deemed appropriate and in accordance with the approved Method Statement. Contact the Tree Officer on 01962 848317. No arboricultural works shall be carried out to trees other than those specified and in accordance with the approved Method Statement.		

Phase One A 'commencement works' plans submitted for reference:

- Site Compound Drainage Details Ramboll 61034243-D-P510.
- Building D Ground Floor Plan Proposed Initial Works 354_D_07_100 P4.
- Draft statement related to proposed initial works silver hill
- Building D Foundation Layout RAM-D-OO-DR-S-00100 Rev. C01
- Ground Beam RC Details RAM-D-OO-DR-S-00101 Rev. C01
- Bedding Details 61034243-D-P510 Rev. C01.

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
2.	Before any development commences on each phase of the development hereby permitted plans and particulars showing further detail of the proposals hereby approved for all the following aspects of the development (as applicable to that phase) shall be submitted to and approved in writing by the Local Planning Authority before each phase is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) in that phase is/are occupied unless the written approval of the Local Planning Authority is first obtained for any variation thereto.	Condition 2 Block D Response Note (a) not applicable to Phase 1 / Block D (b) not applicable to Phase 1 / Block D (c) not applicable to Phase 1 / Block D (d) not applicable to Phase 1 / Block D (e) Drawing A128-LA01 Rev B Hard Landscape Plan (f) not applicable to Phase 1 / Block D	Full Discharge Phase One Head of Landscape consulted - Landscape and Ecology Officers. Lighting and hard standing reference on approved plans further reviewed in accordance with further phases and site wide strategy under (condition 09 lighting).

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	<ul style="list-style-type: none"> a. The alignment, height, materials and finished colour of any retaining walls or screen structures including that to the bus station in Friarsgate and all boundary treatments, including all walls, fences and other means of enclosure. b. Details of the provision to be made for any canopies to serve the bus stands, including the design, materials and finish. 36 PDC768 c. Details of the provision to be made for the storage and disposal of all waste material from the retail and employment units and from the residential units and the market, including the siting, design and materials for any bin storage areas or collection points. d. Details of the siting, design, finish and means of enclosure for any fuel oil or gas storage tanks. Any oil tanks shall incorporate adequate spillage containment facilities. e. The finished levels, above 		

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	<p>ordnance datum, of the ground floor of the proposed buildings, and their relationship to the levels of external ground, existing and proposed and any existing adjoining buildings.</p> <p>f. Details of the siting, external appearance and materials to be used for any statutory undertakers or service provider's equipment such as electricity sub- stations, gas governors.</p>		
3.	<p>A fully annotated section of each elevation of each new building at a scale of 1:50 shall be submitted to and approved by the Local Planning Authority before each phase of the development is commenced. The development shall be implemented in accordance with the approved plans before each phase is occupied.</p>	<p>Drawings:</p> <ul style="list-style-type: none"> • 1061_D_07_300 Building D North Elevation P3 • 1061_D_07_301 Building D East Elevation P3 • 1061_D_07_302 Building D South Elevation P4(amended) • 1061_D_07_303 Building D West Elevation P4 amended) • 1061_D_07_350 Building D Bay study East Elevation P3 • 1061_D_07_351 Building D Bay study West Elevation P4 (amended) • 1061_D_07_352 Building D Dormer and Chimney P3 	<p>Full Discharge Phase One</p> <p>Head of Historic Environment and Urban Design consultant consulted.</p>

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
4.	<p>No development shall take place on each of the phases of the development until details and sample panels of the materials to be used for the construction of the external surfaces of that phase of the development hereby permitted have been submitted to / erected on site (as considered appropriate) and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.</p>	<p>Details of materials included on the following submission documents:</p> <ul style="list-style-type: none"> • 1061_D_07_360 Building D Materials and precedents sheet 1 P3 • 1061_D_07_361 P4 (amended) Building D Materials and precedents sheet 2 P3 • Confirmation of materials for Steps as York Stone in Darren Leach email of 8th January 2016. 	<p>Full Discharge- Phase One with provision approved to for a construction workmanship standard to be crystallised on site using a panel board, before wall construction is commenced.</p> <p>Head of Historic Environment and Urban Design consultant consulted.</p>
6.	<p>Before any development commences on each phase of the development hereby permitted, details of the following security measures (as applicable to that phase) shall be submitted to and approved by the Local Planning Authority in writing and the development shall be undertaken in accordance with such approval.</p> <p>a. The access control measures for private and public car parking and design details for all parking areas which should be to Secured by Design standards</p>	<p>For Building D only provision (d) is relevant. The cycle parking provision for Building D is shown on the following submitted document:</p> <ul style="list-style-type: none"> • (d.) - 15.038_D.030 Block D_Cycle Parking Allocation • Cycle-Works Josta Wall Hook • Kendal Cyclorax. 	<p>Full Discharge Phase One.</p> <p>Head of Environment consulted – Highways Engineer.</p> <p>The cycles in block D are kept within a secure store located within the building and will be subject to controlled access shared only between private houses. The use of fixed racks or anchors fixed to the wall and / or is only for this block with other areas of the development large multi occupied blocks using the locker/cage approach.</p>

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	<p>and capable of achieving the Park Mark Safer Parking Award;</p> <p>b. The access control measures for all residential accommodation;</p> <p>c. CCTV provisions for monitoring the car parking, residential access arrangements and servicing arrangements for all commercial properties; the bus station, shop mobility and all public areas;</p> <p>d. Secure cycle parking provision;</p> <p>e. Secure shopping trolley storage;</p> <p>f. Use of laminated glass to shop windows and details of measures required for security grills, bollards and shutters etc;</p> <p>g. Lighting provisions in all communal and public areas;ph</p> <p>h. Use of anti-graffiti paint and vandal resistant fittings to public toilets;</p>		
7.	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	<ul style="list-style-type: none"> • Condition 7 CMS and Code of Practice • Condition 7 Site Demolition Plan for Phase 1 • Hera Acoustic Barrier 	<p>Full Discharge Phase One.</p> <p>Head Of Environment– Environmental protection consulted.</p>

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	to and approved in writing by the Local Planning Authority. All approved measures must be fully implemented as set out and by such time as specified in the Construction Method Statement and Construction Code of Practice and they shall be adhered to throughout the construction period.		
11.	Unless otherwise agreed by the Local Planning Authority, before each phase of the development commences a scheme of water efficiency measures for the proposed development shall be submitted to and approved by the Local Planning Authority in writing and shall be carried out in accordance with the approved details before the occupancy of the phase of development commences.	<p>Details of water efficiency measures for Building D are shown on the following submission document:</p> <ul style="list-style-type: none"> • Planning Condition 11- Water Saving Measures, Couch Perry Wilkes 	<p>Full Discharge Phase One.</p> <p>Head of Building Control Consulted</p> <p>They are committing to exceed the current standard for water use for residential buildings.</p>
19.	Details of piling or any other foundation designs using penetrative methods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of the development. Approval shall be given where it has been demonstrated that there is no resultant unacceptable risk to groundwater.	<p>Details of piling and foundation designs are shown in the following submission document:</p> <ul style="list-style-type: none"> • Silver Hill Foundation Report, Ramboll, 25 November 205 	<p>Full Discharge Phase One.</p> <p>Environment Agency (Planning Advisor EA) consulted.</p> <p>The applicant is proposing to use CFA piles where piled foundations are required. Based on the information and risk assessment provided, there are no</p>

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
			<p>objections. The applicant should review the risks associated with the use of CFA piles if any unexpected contamination is identified and revise the foundation design as necessary to ensure that they do not cause pollution.</p>
23.	<p>Construction of each phase of the development shall not commence until details of the proposed means of foul sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. In the event that drainage design needs to be considered other than on a phase by phase basis then no construction shall commence in advance of details of a satisfactory drainage design being approved in writing by the Local Planning Authority.</p>	<p>Details of the proposed means of foul sewerage disposal for Building D are shown on the following submission document:</p> <ul style="list-style-type: none"> • Foul Sewerage Dispersal Note • Southern Water Foul Drainage Study Options • RAM-D-OO-DR-S-00100 Rev. C03 	<p>Full Discharge Phase One</p> <p>Southern Water consulted.</p>
24.	<p>The developer shall, prior to commencement of each phase of the development, submit to the Local Planning Authority details of the measures to be undertaken in that phase to divert / protect the public water supply mains and work shall not</p>	<p>Details of measures to be undertaken to divert / protect the public water supply mains regarding Building D are set out in the following submission document:</p> <ul style="list-style-type: none"> • Condition 24 Building D Public Water Supply Protection Note 	<p>Full Discharge - Phase One</p> <p>Southern Water consulted.</p>

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	commence on that phase before such details are agreed in writing in consultation with Southern Water.		
25.	The method of demolition and construction for each phase of the development shall be carried out in accordance with a scheme to be approved in writing with the Local Planning Authority prior to the commencement of that development phase.	<p>Details of demolition and construction for Building D are shown on the following submitted documents:</p> <ul style="list-style-type: none"> • Condition 25: Demolition Method Statement, including: <ul style="list-style-type: none"> • A02 Asbestos Standard • D01 Demolition Management Standard. • PPG5 Watercourses 	<p>Full Discharge Phase One.</p> <p>Environment Agency (Planning Advisor EA) and Head of Landscape (ecology) consulted.</p> <p>This is not a condition which the Environment Agency requested, however with regards to groundwater, the applicant appears to be taking reasonable precautions to ensure groundwater is protected.</p>
26.	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 prior to the commencement of each phase of development. Such measures shall be retained for the duration of the construction period of each phase. No lorry shall leave the site unless its wheels have been cleaned sufficiently to	<p>Details of the of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway for Building D are shown on :</p> <ul style="list-style-type: none"> • Condition 26 Vehicle Mud Note 	<p>Full Discharge Phase One.</p> <p>Highway Engineer consulted.</p>

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	prevent mud being carried onto the highway.		
28.	Development shall not commence on each phase until details of a scheme for limiting the transmission of noise between the units of residential accommodation in that phase and, any part of the development which is not exclusively used for purposes associated with a unit of residential accommodation, has been submitted to and approved in writing by the Local Planning Authority. All works, including detailing, shall be carried out in accordance with the approved scheme, before any of the units of accommodation in each individual phase are occupied.	<p>Details of a scheme for limiting the transmission of noise between the units of residential accommodation in Building D are shown on:</p> <ul style="list-style-type: none"> • Building D – Condition 28 Internal Acoustic Compliance Statement, Vanguardia Consulting 	<p>Full Discharge Phase One</p> <p>Head of Building Control consulted</p> <p>On the basis of these submissions they will comply with the Building Regulations current at this time.</p>
36.	No phase of 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 before each phase of development is occupied and brought into use. These details shall include the following, as relevant:	<ul style="list-style-type: none"> • Drawing A128-LA01Rev B Hard Landscape Plan • Drawing A128-PP02 Rev A Soft Landscape Plan 	<p>Full Discharge Phase one.</p> <p>Head of Landscape consulted (landscape and ecology officers)</p> <p>Lighting and hard standing to be reviewed in accordance with further phases and site wide strategy under (condition 09 lighting).</p>

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	<p>a. other vehicle and pedestrian access and circulation areas:</p> <p>b. minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc):</p> <p>c. proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):</p> <p>d. retained historic landscape features including the proposed opening up of the watercourses and proposals for restoration.</p> <p>Soft landscape details shall include the following as relevant:</p> <p>a. planting plans</p> <p>b. written specifications (including cultivation and other operations associated with plant and grass establishment:</p> <p>c. schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:</p> <p>d. manner and treatment of</p>		

PHASE 1 BLOCK D PRE-COMMENCEMENT CONDITIONS

COND No.	CONDITION	DOCUMENTS / PLANS APPROVED	STATUS (APPROVAL AND DISCHARGE PARTIAL / FULL)
	watercourses, ditches and banks: e. implementation programme.		
40.	Details of the design of building foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they affect trees on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site are commenced.	<ul style="list-style-type: none">Condition 40 Trees and Structure Note	Full Discharge Phase One Head of Landscape (Tree officer) consulted. There are no trees affected by Building D; the retained trees of the Alms houses are protected by an existing wall.

**Planning
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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

GRANT OF PLANNING PERMISSION

Case No: 06/01901/FUL

W Ref No: W20100

Grid Ref: 448414

129444

(AMENDED DESCRIPTION 18.08.2008 AND AMENDED PLANS RECEIVED 18.08.2008 AND 21.08.2008) Major comprehensive redevelopment for approximately 2 hectares mixed-use site to include the erection of nine new buildings and the retention and conversion of the Woolstaplers Hall; providing 287 no. dwellings (including affordable housing); 20 no. live/work units, retail units with associated service areas, offices, the provision of medical or health services alternatively to offices in Building B, bus station, youth centre, shopmobility office, public toilets, RAOB club, with associated car/cycle storage, landscaping and associated works

Silver Hill Development Tanner Street Winchester Hampshire

In pursuance of its powers under the above mentioned Act, the Council, as the Local Planning Authority, hereby GRANTS permission for the above development(s) in accordance with the plans and particulars submitted with your application received on 23 May 2006 as amended by plans received 30 January 2007, 18 and 21 August 2008 and subject to compliance with the following conditions:-

1 The development hereby permitted shall be begun before the expiration of seven 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.

2 Before any development commences on each phase of the development hereby permitted plans and particulars showing further detail of the proposals hereby approved for all the following aspects of the development (as applicable to that phase) shall be



submitted to and approved in writing by the Local Planning Authority before each phase is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) in that phase is/are occupied unless the written approval of the Local Planning Authority is first obtained for any variation thereto.

(a) The alignment, height, materials and finished colour of any retaining walls or screen structures including that to the bus station in Friarsgate and all boundary treatments, including all walls, fences and other means of enclosure.

(b) Details of the provision to be made for any canopies to serve the bus stands, including the design, materials and finish.

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(c) Details of the provision to be made for the storage and disposal of all waste material from the retail and employment units and from the residential units and the market, including the siting, design and materials for any bin storage areas or collection points.

(d) Details of the siting, design, finish and means of enclosure for any fuel oil or gas storage tanks. Any oil tanks shall incorporate adequate spillage containment facilities.

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

(f) Details of the siting, external appearance and materials to be used for any statutory undertakers or service provider's equipment such as electricity sub-stations, gas governors.

Reason: To comply with the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order).

3 A fully annotated section of each elevation of each new building at a scale of 1:50 shall be submitted to and approved by the Local Planning Authority before each phase of the development is commenced. The development shall be implemented in accordance with the approved plans before each phase is occupied.

Reason: In the interests of visual amenity.

4 No development shall take place on each of the phases of the development until details and sample panels of the materials to be used for the construction of the external surfaces of that phase of the development hereby permitted have been submitted to / erected on site (as considered appropriate) 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.

5 No development shall take place until a Sustainability Strategy setting out proposals for delivering the most up to date standards of renewable energy provision, carbon footprint reduction, sourcing of materials, local labour and reference to the Code of Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development incorporates appropriate and deliverable sustainability measures in the interests of environmental responsibility and the objectives of Local Plan policy DP6 and PPS 1 supplement Planning and Climate Change.

6 Before any development commences on each phase of the development hereby permitted, details of the following security measures (as applicable to that phase) shall be submitted to and approved by the Local Planning Authority in writing and the development shall be undertaken in accordance with such approval.

- (a) The access control measures for private and public car parking and design details for all parking areas which should be to Secured by Design standards and capable of achieving the Park Mark Safer Parking Award;
- (b) The access control measures for all residential accommodation;
- (c) CCTV provisions for monitoring the car parking, residential access arrangements and servicing arrangements for all commercial properties; the bus station, shop mobility and all public areas;
- (d) Secure cycle parking provision;
- (e) Secure shopping trolley storage;
- (f) Use of laminated glass to shop windows and details of measures required for security grills, bollards and shutters etc;
- (g) Lighting provisions in all communal and public areas;
- (h) Use of anti graffiti paint and vandal resistant fittings to public toilets;

Reason: To ensure that the development provides appropriate security measures in the interests of crime prevention.

7 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. All approved measures must be fully implemented as set out and by such time as specified in the Construction Method Statement and Construction Code of Practice and they shall be adhered to throughout the construction period.

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

8 Any floodlighting or security lighting installed during the construction period shall be sited and directed in such a way as not to cause nuisance to adjoining properties or any adjacent highway.

Reason: In the interests of amenity and safety.

9 Details of any external lighting of the site, including any street lighting and lighting for security or other purposes, shall be submitted to, and approved in writing by the Local Planning Authority no later than 12 months after the commencement of construction on the first phase of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

10 Details of a scheme for the provision of electric vehicle recharge points within the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of the phase in which they are located. Any works which form part of the approved scheme shall be completed before any dwelling is

occupied in the phase in which they are located unless an alternative period is agreed in writing by the Local Planning Authority.

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

11 Unless otherwise agreed by the Local Planning Authority, before each phase of the development commences a scheme of water efficiency measures for the proposed development shall be submitted to and approved by the Local Planning Authority in writing and shall be carried out in accordance with the approved details before the occupancy of the phase of development commences.

Reason: There is a growing challenge to meet increased demands for water and balance the needs of the environment.

12 Details of any Telecommunications equipment, including antenna and equipment housings, shall be submitted to and approved in writing by the Local Planning Authority before any such provision is undertaken on any part of the application site. Development shall be carried out in accordance with the approved details

Reason: In the interests of ensuring that such apparatus is sited and constructed in a manner that does not detract from the appearance of the development.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting such order no external aerials or antenna of any kind shall be erected on the buildings hereby permitted without the written consent of the Local Planning Authority and the development shall incorporate the provision of an integral cabled system to avoid the need for separate provision of such equipment.

Reason: In the interests of visual amenity.

14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (Use Classes) Order 2005 or any orders revoking and re-enacting such orders the areas shown on the plans hereby approved for bus station, shopmobility and club shall not be used for other purposes within the same use class or by virtue of permitted development rights for another class of development unless the written approval of the Local Planning Authority is first obtained.

Reason: To ensure that the development provides the facilities intended and that inappropriate changes of use do not prejudice the community benefit of the development.

15 Details of all alterations to the Woolstaplers Hall (Block H) including fenestration shall be submitted to and approved in writing by the Local Planning Authority and any making good to the existing elevations or roof of the building shall be undertaken using matching materials.

Reason: To ensure the detailing and materials maintain the architectural interest of the building.

16 Development shall not commence until a scheme to mitigate the effect of any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be based upon a detailed site investigation and assessment of the extent of any contamination present and shall specify the measures to be taken to avoid risks to the public, buildings and environment when the site is developed. This site investigation report is to be included with the scheme details. Unless agreed otherwise in writing by the Local Planning Authority the approved scheme shall be completed prior to the occupation of the buildings.

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

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

Reason: To protect the major aquifer beneath the site and the surface waters within and surrounding the site. There may be areas of the site, which cannot be fully characterised by a site investigation, and unexpected contamination may be identified.

18 Prior to the commencement of 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 contamination 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 observe the implementation of works.

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

19 Details of piling or any other foundation designs using penetrative methods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of the development. Approval shall be given where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

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

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

Reason: To protect the major aquifer beneath the site and the surface waters within and surrounding the site. Soakaways and other sustainable urban drainage systems can increase the potential for pollution if located in contaminated ground.

21 The developer shall advise the local planning authority (in consultation with Southern Water) of the measures which will be undertaken to protect or divert the public sewers, prior to the commencement of the development. The approved measures shall be fully implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure satisfactory drainage provisions are provided.

22 Public Mains Foul drainage from the development must connect to the public mains foul sewer.

Reason: The mains foul water sewer is in close proximity to the site: There is a presumption for connection to this system.

23 Construction of each phase of the development shall not commence until details of the proposed means of foul sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. In the event that drainage design needs to be considered other than on a phase by phase basis then no construction shall commence in advance of details of a satisfactory drainage design being approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory sewage disposal provisions are provided.

24 The developer shall, prior to commencement of each phase of the development, submit to the Local Planning Authority details of the measures to be undertaken in that phase to divert / protect the public water supply mains and work shall not commence on that phase before such details are agreed in writing in consultation with Southern Water.

Reason: To ensure satisfactory water supply provisions are maintained.

25 The method of demolition and construction for each phase of the development shall be carried out in accordance with a scheme to be approved in writing with the Local Planning Authority prior to the commencement of that development phase.

Reason: The site is in a very sensitive location with respect to groundwater, and in order to protect the quality of drinking water supplies the working methods will need to be carefully considered.

26 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 prior to the commencement of each phase of development. Such measures shall be retained for the duration of the construction period of each phase. 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.

27 The car parking for each phase of development shall be constructed, surfaced and marked out in accordance with the approved plan before each phase is brought into operation. The car park areas shall not thereafter be used for any purpose other than the parking, loading, unloading, turning and in the case of electric vehicles refuelling/recharging of vehicles.

Reason: To ensure that adequate on-site parking and turning facilities are made available.

28 Development shall not commence on each phase until details of a scheme for limiting the transmission of noise between the units of residential accommodation in that phase and, any part of the development which is not exclusively used for purposes associated with a unit of residential accommodation, has been submitted to and approved in writing by the Local Planning Authority. All works, including detailing, shall be carried out in accordance with the approved scheme, before any of the units of accommodation in each individual phase are occupied.

Reason: To protect the amenities of future occupants of the dwellings.

29 Details of a scheme for protecting the proposed domestic dwellings within buildings B & C from noise and vibration from the bus station shall be submitted to and approved by the Local Planning Authority in writing before these phases of the development commence. Any works which form part of the approved scheme shall be completed before any dwelling within buildings B and C is occupied unless an alternative period is agreed in writing by the Local Planning Authority. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

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

30 All habitable rooms on the ground and first floors of Buildings J and A that front onto either Friarsgate or Tanner Street shall be fitted with mechanical ventilation that draws air from an area agreed in writing with the Local Planning Authority. Such requirement shall apply unless the Local Planning Authority first agree in writing to a waiver or amendment thereof in the event of demonstrable sustainable improvement of air quality to recognised National Air Quality objectives.

Reason: To protect the amenities of future occupants of the dwellings and ensure that they have an option for ventilation other than by opening windows onto a busy vehicular street.

31 Detailed Plans in accordance with the provisions of the shopfront and signage design guide (required to be submitted and approved by provision M of the schedule of legal agreement requirements) shall be submitted to and approved in writing by the Local Planning Authority before each shop front unit is commenced. The works shall be undertaken in accordance with the approved plans before the shop is occupied.

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

32 All units designated A3 to A5 inclusive, in accordance with the TCP Act Uses Classes Order 2005, hereby permitted, shall not be open to customers outside the following times 0700 to 24.00.

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

33 Details of the means of extraction of fumes from all premises designated A3 to A5 and B1 to B8 inclusive, in accordance with the Town and Country Planning (Use Classes) Order 2005, or any order revoking and re-enacting such order, shall be submitted to and approved in writing by the Local Planning Authority and shall be installed before the use hereby permitted is commenced, and thereafter maintained and operated in accordance with the approved details.

Reason: In the interests of the amenities of the adjoining properties.

34 No commercial deliveries shall be taken at or dispatched from the ground floor loading bay area of building A except between the hours of 0700 and 2100 Monday to Saturday and 1000 to 1600 on Sundays, unless otherwise agreed in writing by the Local Planning Authority.

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

35 The live/work units incorporated in the development hereby permitted shall be retained for such purposes with the area being used for business purposes class B1 of the Town and Country Planning Use Classes Order 2005 or any equivalent class in any order revoking and re-enacting such order. The premises shall not be used other than for mixed employment and residential purposes.

Reason: To ensure that the development maintains the provision of a range of employment opportunities.

36 No phase of 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 before each phase of development is occupied and brought into use. These details shall include the following, as relevant:

- (a) other vehicle and pedestrian access and circulation areas:
- (b) minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc):
- (c) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):
- (d) retained historic landscape features including the proposed opening up of the watercourses and proposals for restoration.

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

Soft landscape details shall include the following as relevant:

- (a) planting plans
- (b) written specifications (including cultivation and other operations associated with plant and grass establishment:
- (c) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- (d) manner and treatment of watercourses, ditches and banks:
- (e) implementation programme:

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

37 Before development commences a programme of phasing for all development within the site and the associated street works outside of the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall include hard and soft landscaping, and street furniture. The development and associated works shall be carried out strictly in accordance with the approved phasing programme unless otherwise approved in writing by the Local Planning Authority, and the works associated with each phase of the development shall be implemented in full in accordance with the approved programme unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the phasing of development is satisfactory and provides for continuity in the provision of improvements to the public realm.

38 No landscaping works for each particular phase shall take place until details of the design, materials and finish, together with samples of the materials to be used, for the construction of all hard surfacing, including landscaping works outside the application site to the Broadway, Lower High Street, Middle Brook Street and Friarsgate have been submitted to / set out on site (as considered appropriate) 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.

39 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the completion of the development or in accordance with the phased programme agreed with the Local Planning Authority unless varied by written agreement. 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.

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

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

41 All trees on and adjacent to the site, shall be retained, unless shown on the approved drawings and arboricultural report as being removed. They shall be protected from damage during the course of site works in accordance with BS5837 2005. 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 demolition, construction or groundwork commencing on the site. 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 the Tree Officer on 01962 848317. No arboricultural works shall be carried out to trees other than those specified and in accordance with the approved Method Statement. Any deviation from works prescribed or methods agreed in accordance with the approved Method Statement shall be agreed in writing to the Local Planning Authority.

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

42 Details of the design, materials, finish and phasing for the provision of all street furniture, including seats, litter bins, cycle stands, shelters, railings and signs, including works outside the application site to the Broadway, Lower High Street, Middle Brook Street and Friarsgate, shall be submitted to the Local Planning Authority at least 3 months prior to the commencement of landscaping works to the public realm. Development shall be carried out in accordance with the details and phasing that are approved in writing by the Local Planning Authority.

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

43 Details of any canopies proposed to be erected including means of fixing, materials and finished colour, shall be 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:

In reaching its decision the Local Planning Authority has taken account of the following development plan policies:-

Hampshire County Structure Plan 1996 - 2011(Review) (Saved policies):

E14

Preservation of local and national archaeological sites and monuments

E16

Criteria to guide development so as to ensure no harm to historic towns and villages

E17

LPA's to encourage development which enhances historic towns and villages

H1

Provision of 94,290 dwellings, 1996 – 2011

H2

Baseline provision of 80,290 dwellings, by district

T5

Planning permission conditional on meeting transport requirements

Winchester District Local Plan 2006 (Review):

Design and Development Principles:-

DP1

Specifies need for design statements and other explanatory information to support planning applications.

DP3

Sets general design criteria to be met by all new development with a list of 9 principles and criteria.

DP4

Defines landscape and built environment criteria to be met by new development in order to maintain or enhance the District's townscape and landscape.

DP5

Sets design objectives for on site amenity open space to ensure an attractive environment.

DP6

Provides objectives to be met in the interests of sustainable development and the efficient use of resources.

DP8

Requires that flood risk assessments be provided in accord with PPG25 advice where development is within flood risk areas.

DP13

Requires that development proposals likely to be within areas of contaminated land meet appropriate investigation and mitigation requirements.

DP14

Provides criteria to be met in regard to the provision of Public Utilities and Telecommunications provisions.

DP15

Provisions to be met by renewable energy schemes.

Historic Environment -

HE1

Archaeology – presumption in favour of preservation in situ but in any event a programme of archaeological investigation, excavation and recording.

HE2

Archaeology – need for adequate archaeological assessment to clarify importance of features and demonstrate the impact on development

HE4

Conservation areas – development detracting from setting of CA not permitted and importance of conserving attractive views in and out and of improving those that detract from the appearance.

HE5

Conservation areas – Provides criteria to be met in interests of development preserving or enhancing character / appearance of area.

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HE6

Conservation areas – need for applications to contain appropriate supporting information including a design statement

HE7

Conservation areas – grounds to be satisfied for substantiating demolition of unlisted buildings.

HE8

Conservation – retention of features essential to character of a conservation area.

Housing -

H1

Provision for housing development within the district

H5

Affordable housing – sets criteria applicable to the provision of affordable housing across the district.

H7

Housing mix and density – requires that residential development provide a mix of dwelling types and sizes to include 50% small 1 or 2 bed units and achieve densities consistent with government advice.

Employment:-

E3

Office development in Winchester - limits additional office development within the town centre to 200m² unless exceptional justification can be demonstrated by an established organisation.

Town Centres, Shopping and Facilities:-

SF1

Commercial development in defined town and village centres – provides for retail, leisure and other developments

SF3

Impact of A3, A4 and A5 development in defined town and village centres

Recreation and Tourism -

RT4

Recreational space for new housing development – requires residential development to make appropriate provision based on a standard of 2.8 hectares per 1000 population.

Transport -

T1

Transport – development should be capable of being served by various transport modes and if significant transport implications be supported by a Travel plan.

T2

Transport – criteria for provision new access required to serve development.

T3

Transport – site layout considerations

Winchester:-

W1

Winchester – development to respect the special character of Winchester and its landscape setting.

W2

Development at Broadway/Friarsgate (Silver Hill) – sets 10 criteria to be taken into account by proposals for a mix of uses including, housing, shopping, leisure and possible civic, cultural and community facilities on the 2 hectare site.

W5

Town centre traffic management to reduce motor traffic in the town centre, development generating significant additional cross town private vehicular traffic to be resisted..

W7

Parking controls and servicing – residential development in Winchester town centre to provide minimal if any on site parking. Non residential development to not exceed minimum operational levels and make appropriate financial contributions to assist implementation of Central Hampshire Transport Strategy

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measures.

W9

Environmental traffic management – development not to conflict with environmental improvement schemes and traffic management measures in the town centre.

In considering the relevance of these policies and how the proposed development satisfies them the Council has identified the main issues to be whether the scheme is acceptable in terms of principle, design, layout, scale, form, height and public amenity provision, particularly with reference to policy W2 which sets the criteria specifically applicable to proposals for the sites development. Other main issues concern archaeology and conservation, pollution and flood risk, highways and parking, housing, retail and office provision, public realm, public art, landscape, townscape, conservation and sustainability interests. These issues are in the Council's consideration satisfactorily addressed by the proposed development because it would:-

- (a) in terms of location and mix of land uses provide a sustainable retail, commercial and residential environment that delivers additional retail and residential provision consistent with identified need and does not conflict with office constraint objectives;
- (b) comprise a design, layout scale, form and height of development that will create a locally distinctive character that is appropriate and complementary to the character and context of this part of the town centre and conservation area;
- (c) significantly improve the public realm of this part of the city providing a new bus station, enhanced public areas and permeability;
- (d) not involve significant harm to the natural or historic environment, providing for an enhancement of the conservation area, measures to safeguard archaeological interests, relevant pollution and flood risk mitigation measures;
- (e) provide for adequate access to local services and public transport, meet appropriate highway, access and parking requirements and not cause an unacceptable level of traffic or reduction in highway safety;
- (f) incorporate the provision of public art, landscape and townscape enhancements in the form of new hard and soft landscaping to the Broadway, High Street, Middle Brook Street and Silver Hill areas;
- (g) enable a sustainable form of building design and delivery to be provided:

The decision to grant planning permission has been taken because the development is generally in accordance with the provisions of the development plan. The objectives of the development plan to secure the regeneration of the area and the enhancements of the public realm provided by the development are material considerations, which override the requirements of Policy RT.4 to provide recreation space in connection with the development. Furthermore the development would have no materially harmful impact on the character or appearance of the Winchester conservation area or the city centre area generally, including transport and landscape considerations, or the residential amenities of the occupants of neighbouring properties.

Having taken into account all the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, and all other material considerations, the Council has determined that planning permission should therefore be granted.

The planning permission hereby granted shall be fully implemented in accordance with the approved details submitted in support of the application and the approved plans as listed on the Plans Schedule appended to this decision and in accordance with the conditions referred to above unless the written approval of the Local Planning Authority is first obtained for any variation thereto.

During development no machinery shall be operated, no process or works shall be carried out and no deliveries taken at or dispatched, including works of demolition or preparation prior to operations at the site except 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.

All building works including demolition, construction and machinery or plant operation should only be carried out as prescribed by informative 2 above. Where allegations of noise from such works are substantiated by the Environmental Health and Housing Department, a notice limiting the hours of operation under the Control of Pollution Act 1974 may be served.

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

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

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

Dewatering Under the terms of the Water Resources Act 1991 the prior written agreement is required for discharging dewatering water from any excavation or development to any controlled waters. The applicant is advised to contact the Hants and IOW Area office (Environment Management Team) to discuss this matter further. Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters.

The proposed development must comply with the Control of Pollution (Oil Storage)(England) Regulations 2001.

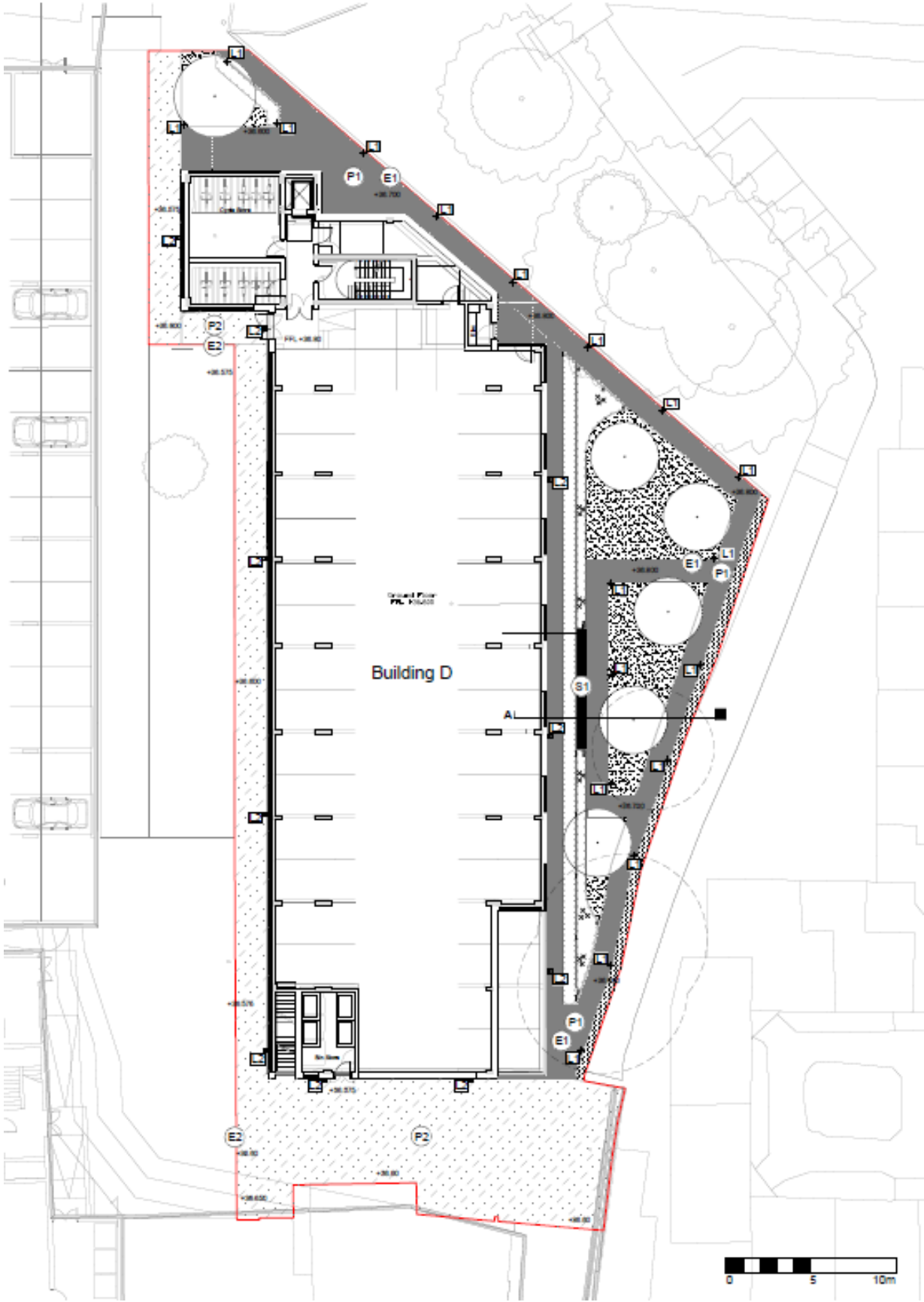
The Regulations apply where more than 200 litres of oil are stored (excluding waste oil) in one or more containers. The Regulations stipulate requirements.

In the interests of the visual amenity of the area and to avoid any conflicts with the provisions of the Town and Country Planning Control of Advertisements Regulations,

the applicant is requested to have regard to the Councils supplementary planning guidance relating to shopfronts and signs and to discuss any proposals for the display of advertisements and signage at the site with the Local Planning Authority prior to such works being undertaken.

No amended details will be approved in the event that the Council deems that such amendments may have a significant environment effect.

Simon Finch BSc (Hons) Lond, DipTP, MSc, MRTPI
Head of Planning Management
9 February 2009



BY POST AND EMAIL

PDC1045 Appendix 5

Howard Bone
Head of Legal Services
Winchester City Council
City Offices
Colebrook Street
Winchester
Hampshire SO23 9LJ

Our ref: SJA/029915.00001

Your ref:

3 February 2016

Dear Sirs

Pre-Action Protocol Letter: Proposed Claim for Judicial Review**Decision of Winchester City Council to approve the application for approval of details in compliance with conditions under planning permission 06/01901/FUL****The Defendant**

- 1 The proposed Defendant is Winchester City Council of City Offices, Colebrook Street, Winchester, Hampshire SO23 9LJ (the "**Council**").

The Claimant

- 2 The Claimant is Councillor Kim Alexander Gottlieb of Black Farm, Avington, Winchester SO21 1DA; the Councillor for Itchen Valley in Winchester City Council.

The Interested Party

- 3 The Interested Party is Silver Hill Winchester No.1 Limited, 9th Floor, 201 Bishopsgate, London, EC2M 3BN (the "**Developer**"). A copy of this letter has been sent to them.

The details of the matter being challenged

- 4 The matter being challenged is the decision to approve the application for approval of details pursuant to conditions under planning permission 06/01901/FUL in accordance with the recommendation made in Report PDC 1045 by the Head of Development Management presented to the Planning Committee on 4 February 2016 ("**Report**").

Development Agreement

- 5 The Council entered into a development agreement on the 22 December 2004 with Thornfield Properties (Winchester) Limited and Thornfield Properties Plc. Definitions from the Development Agreement are used in this letter.
- 6 Pursuant to the Development Agreement planning permission was obtained on 9 February 2009 ("**2009 Permission**") supported by a Planning Agreement dated 28 January 2009 ("**2009 Agreement**").
- 7 The Development Agreement is conditional, and a number of outstanding conditions have not yet been satisfied or waived. The Council has resolved to issue a notice of termination in relation to the Development Agreement in relation to the Interested Party's failure to satisfy the relevant conditions.
- 8 The Development Agreement is conditional on the Works Commencement Date having taken place before, at the latest, 1 June 2015. No works have taken place that could satisfy the Works Commencement Date in accordance with the Development Agreement and the Council is entitled to terminate the Development Agreement, on that basis alone, immediately.

2009 Permission

- 9 The 2009 Permission was granted subject to 43 conditions, 19 of which are required to be satisfied prior to commencement of development either in whole or in relation to the phase of development that it is proposed to carry out.
- 10 Unusually the 2009 Permission gave a period of 7 years in which to satisfy the conditions. Shortly before the lapse of that extended time the Developer submitted details on 10 and 22 December 2015 in relation to all 19 pre-commencement conditions as part of its application for approval of details in compliance with conditions under planning permission 06/01901/FUL ("**Application**").
- 11 On 20 January 2016, Rosemary Burns, in her capacity as City Councillor for St Bartholomew Ward, requested that the Application was called in to be determined the Council's Planning Committee.
- 12 The 2009 Permission will expire if not implemented by 9 February 2016.

2009 Planning Agreement

- 13 The 2009 Permission was accompanied by a planning agreement. The planning agreement contains obligations relating to the carrying out of archaeological works and research ahead of the commencement of development ("**Archaeological Obligations**"). Winchester is rich in archaeological assets and the Silver Hill area is of recognised interest.

The issue

- 14 The grounds for the proposed claim are set out below. Other grounds may be disclosed depending on the responses to the requests for information.

- 15 As part of her request to call in the Application, Councillor Burns included detailed notes of her concerns regarding the information submitted in relation to 18 of the 19 pre-commencement conditions.
- 16 The Report annexes Councillor Burns' call-in request and notes at Appendix 1, however it makes no attempt whatsoever to address any of her concerns including:
- (a) that the details submitted in relation to most of the pre-commencement conditions are inadequate and lacking information material to any determination;
 - (b) that the information submitted in relation to condition 2 contains errors which render the submitted information insufficient;
 - (c) how the details submitted comply with current building regulations. This is especially important in light of the Developer's admission in its letter to the Council dated 22 December 2015 that the scheme permitted by the 2009 Permission is *"incapable of construction to even meet current statutory building standards without severe compromise to the quality and value of the product, if it was possible to achieve"*
- 17 The Claimant has taken professional advice on the Developer's Foundation Report (submitted in relation to condition 19) and been advised that it is a wholly inadequate basis on which to discharge the relevant conditions.
- 18 The Claimant has taken professional advice on the archaeological information available to address the Archaeological Obligations and to inform the discharge of relevant conditions and has been advised the information available is a wholly inadequate basis on which to discharge the relevant conditions and the Archaeological Obligations.
- 19 There is a conflict between the piling strategy described in the Developer's Foundation Report and the piling strategy described in the archaeological reports submitted as part of the Developer's application to discharge the Archaeological Obligations. The Report does not mention this conflict, nor make any attempt to resolve it.
- 20 It is understood that the Council has yet to determine whether the Archaeological Obligations have been discharged by the Developer. There is no mention of this in the Report. The Council cannot properly determine the pre-commencement conditions relating to foundations or substrata works in the absence of an approved archaeological strategy, given the sensitive watercourses and potentially important archaeology located beneath the site.
- 21 If the Council decides to approve the Application at the Planning Committee on 4 February 2016 it will have:
- (a) acted unreasonably by determining the Application on the basis of inadequate, conflicting and contradictory information taking into account immaterial considerations;
 - (b) acted unreasonably by determining the Application in advance of the discharge of the Archaeological Obligations, including approval of an archaeological strategy for the site, leaving out of account a material consideration; and
 - (c) acted unlawfully by approving the Application in the absence of information material to the determination.

The details of the action that the defendant is expected to take

- 22 The Claimant seeks an undertaking from the Council that:
- (a) it will not finally determine the Application at the Planning Committee meeting on 4 February 2016;
 - (b) it will recommend to the Planning Committee that it defers determination of the Application until further information is received from the Developer;
 - (c) it will request such further information from the Developer as is required to properly determine the Application;
 - (d) any subsequent report presented to the Planning Committee will fully address the concerns raised by Councillor Burns in her call-in request.
- 23 If the Planning Committee considers that Application and resolves to grant consent then, depending on the nature of resolution, the Claimant will consider applying for an injunction preventing the issue of the proposed discharges of conditions. In any event an application for permission to apply for judicial review will be made.

The details of the legal advisors dealing with the claim

- 24 All correspondence in this matter should be addressed to Stephen Ashworth at Dentons UKMEA LLP, One Fleet Place, London, EC4M 7WS.

The details of any information or document sought

- 25 Please provide the following:
- (a) a copy of all consultee responses referenced in Appendix 2 to Report PDC 1045;
 - (b) a copy of any evidence the Council relies on to demonstrate that all pre-commencement conditions other than 16 and 18 should be discharged (either in full or in relation to phase 1);
 - (c) a copy of any evidence the Council relies on to demonstrate that the Archaeological Obligations under the 2009 Agreement have been satisfied.

Proposed reply date

- 26 Please provide us with an undertaking that any discharges agreed by Planning Committee will not be issued until 6 February in order that time is available for an application, if necessary, for an injunction.
- 27 Please provide us with a full response by 18 February 2016.

Yours faithfully

Dentons UKMEA LLP

Dentons UKMEA LLP