

PLANNING DEVELOPMENT CONTROL COMMITTEE

9 December 2004

1 NO. FOUR BEDROOM AND 2 NO. THREE BEDROOM AND 3 NO. TWO BEDROOM
THREE STOREY TOWN HOUSES AND TWO BEDROOM APARTMENT WITH
ASSOCIATED GARAGING, PARKING AND ALTERATIONS TO EXISTING ACCESS. -
ABBOTTS COURT, ABBOTTS COURT, WINCHESTER (REF W00425/07)

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

Contact Officer: Emma Norgate Tel No: 01962 848261

RECENT REFERENCES:

W00425/07 – PDC 278

EXECUTIVE SUMMARY:

At the meeting of the Planning Development Control Committee in February 2003, Members resolved to grant permission for 1 No. four bedroom and 2 No. three bedroom and 3 No. two bedroom three storey town houses and two bedroom apartment with associated garaging, parking and alterations to existing access at Abbots Court, Winchester subject to legal agreements with Winchester City Council and Hampshire County Council. The legal agreements were signed earlier this year and permission granted in June 2004.

The applicants have appointed a new architect to oversee the construction of the project and an issue with the windows construction of Plot 1 has been found, this has necessitated an increase in the height and thereby a change to the pitch of the roof, in order that the windows to Plot 1 are in the correct position on the elevation.

Officers are of the view that the proposed minor amendment is acceptable.

RECOMMENDATIONS:

- 1 That the minor amendment be approved.

PLANNING DEVELOPMENT CONTROL COMMITTEE

9 December 2004

HOUSING DEVELOPMENT AT ABBOTTS COURT, WINCHESTER (REF W0042507)

Report Of Director of Development Services

DETAIL:

1 Introduction

- 1.1 At the meeting of the Planning Development Control Committee in February 2003, Members resolved to grant permission for 1 No. four bedroom and 2 No. three bedroom and 3 No. two bedroom three storey town houses and two bedroom apartment with associated garaging, parking and alterations to existing access at Abbots Court, Winchester subject to legal agreements with Winchester City Council and Hampshire County Council. The legal agreements were signed earlier this year and permission granted in 2004.

2 Current Position

- 2.1 Since granting permission, the applicants have appointed a new architect to oversee the construction of the project.
- 2.2 The height of plot 1 which was granted permission is 7.5m. Since undertaking the building regulations and construction phase of the application, it has been found that there is an anomaly which means that the height between the finished floor and the eaves level is shown at 2.5m rather than the more usual 2.1m, with the windows approved, this would result in a high window cill with the glass being at 1.5m, which the agents consider to be at eye level. It is also proposed to enlarge the windows to be full height at first floor level.
- 2.3 This would result in the height of Plot 1 increasing to 8.1m and the pitch of the roof being altered to match that of the other buildings, at 45°, which have permission.
- 2.4 Officers have written to those who commented on the previous application and have received 7 representations on the following grounds: the dwellings are already too high and too close, that the development is already too large and overdevelopment, a three storey dwelling is inappropriate, that there is already overlooking and loss of sunlight, there is an outstanding land dispute on the site involving the removal of a fence, loss of vegetation and screening on the site would be unacceptable, concern as to how there could be a need for the change, concern over how the parking will operate and that there is not enough space on the site.
- 2.5 The Compliance Officer has visited the site during construction and it has been highlighted that there is an issue with regard to land ownership, however, this is a civil issue been the applicants and the residents involved.
- 2.6 There are no intended alterations to the boundary screening between the site and the rear of the dwellings in Denham Close over and above anything that has been agreed by the granting of the planning permission.

- 2.7 The distance between Plot 1 and the rear of the dwellings on Denham Close is 20m. The proposed increase in height is 0.6m and plot 1 is located to the west of Denham Close. Given the distance and the proposed increase in height, Officers are of the view that the increase in height will not materially adversely affect Denham Close. With regard to the enlargement of the middle window on the front elevation, there is already a window in this position on the approved plans. As highlighted above, there is a distance of 20m to the rear of the dwellings in Denham Close and there is a tree screen in place which will not be impacted upon by this change. Officers are therefore recommending approval of this amendment.

3 Decision Required

3.1 Members may either:-

- i) approve the amendment
- ii) refuse the amendment

OTHER CONSIDERATIONS:

4 CORPORATE STRATEGY (RELEVANCE TO):

- 4.1 Looking after the natural and built environment is a core objective.

5 RESOURCE IMPLICATIONS:

- 5.1 If the application is refused unreasonably, the Council may be required to pay costs to the applicant.

BACKGROUND DOCUMENTS:

Application form, drawings, correspondence, notes of site visits and discussions, representations, and any amended plans and drawings included in the appropriate application file.

APPENDICES:

Extract from previous report to Committee on the application

Appendix - Extract from Planning Development Control Committee Reports PDC278 – 27 February 2003

Item **Parish** **St Bartholomew**
28 **Conservation Area:**
Case No: 03/00002/FUL
Ref No: W00425/07
Date Valid: 2 January 2003
Grid Ref: 447925 130804
Team: WEST **Case Officer:** Mrs Sian Proudlock
Applicant: Heritage Property Group
Proposal: 1 No. four bedroom and 2 No. three bedroom and 3 No. two bedroom three storey town houses and two bedroom apartment with associated garaging, parking and alterations to existing access.
Location: Abbots Court Abbots Court Winchester Hampshire
(As amended by plans received on 3 February 2003)

Representations
25

Officer Report
6 History

W425/03 - erection of 12no. flats, new parking and landscaping, reorganisation of existing parking on adjacent site (W425/2) withdrawn - 22/12/00
W425/04 - erection of 12no. flats, reorganisation of parking on adjacent site (as approved under W425/2) new parking and landscaping - withdrawn 10/5/01
W425/05 - erection of 12no. one and two bedroom flats, reorganisation of existing parking, new parking and landscaping - refused 6/3/02
W425/06 - erection of 10 no. two bedroom flats with parking and landscaping - withdrawn 21/8/02

Policy

Development plan

HCSP(R) UB3, T2, T4, T5, R2
WDL P EN1, EN5, EN7, EN8, RT3, W27, T9, H7
Emerging Development Plan

Supplementary Planning Guidance

Achieving a better mix in new housing developments

Other Material Considerations

PPG3, 13
WDL P Review Deposit and Revised Deposit: DP3, DP5, H7, RT2, T4, W6

7 Consultations

Architects Panel - restricted site, issues of overlooking onto houses in Denham Close to be considered, house 7 occupies a restricted position, provision for vehicle circulation and parking is tight together with house 7 indicates that too much

accommodation is being sought. Designs are poor, lack of quality and the density leads the panel to conclude that units need to be reduced.

City Engineers - visibility splays do not fully meet the standards but provides a significant improvement, wall will need to be removed to the boundary with Meed. Land will need to be dedicated to the Highway Authority at no cost to them. Although there are two cycle stores, there are no details and one is outside of the red line. Parking is a problem at present. Two car parking spaces are located in the turning head and this is unacceptable as there is no space for turning of a service vehicle. Evidence of how the spaces are to be allocated will need to be shown. Parking allocation is substandard, does not take account of visitors. Any development will need to fund a traffic regulation order to protect the access road and turning head and this needs to be covered by a suitable agreement. Raised concerns about the sub-standard nature of pedestrian and cycle facilities. Hampshire C.C. are seeking financial contributions from development that will increase vehicular, pedestrian and cycle traffic.

Landscape - site survey is needed to assess feasibility and impact of proposals, proposals need to address the following: new planting for screening to the rear of plot 7, two trees are to be removed these do make a significant contribution, landscape strip requires reinforcement planting and suitable fence treatment to the rear of gardens, corner of plot 1 is close to the landscape strip, more information needed, clarify the discrepancy between the fenceline on the site and plans - refusal - more information required.

County Ecology - An oral Update will be given on the consultations on the amended plans.

Representations

17 Denham Close - object - district local plans, case law and previous decisions, effect on neighbouring properties, conservation of the built and natural environment, highway safety and traffic, adding traffic at the most dangerous point, previous decision refused for similar reasons.

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17 Abbots Court - object - not suitable, already a shortage of parking spaces.

17 Abbey Hill Road - object - contrary to own principle that only similar development would be approved, would dominate 2 storey houses in Denham Close and Abbey Hill Road, exacerbate traffic difficulties, already a problem, identified by engineers, parking provision is inadequate

City of Winchester Trust - improvement on the previous scheme, design is more interesting, sense of place, planting is needed in the parking area, removal of building 1 would allow more landscaping, could the increased traffic be considered acceptable.

6 Denham Close - object - inadequate visibility at junction of Abbots Court and Park Road, bridge is narrow - increased traffic volumes, parking arrangement appear to be unworkable, concerns over impact on existing parking, overlooking to Denham Close,

lack of recreational space, insufficient information, concern over access to cycle storage and is this sufficient, issues of insurance.

2 Denham Close - object - detrimental to the aims of strategy in the WDLP, no site analysis, looks nothing like surrounding development, height of development will result in loss of light, light pollution at night, would look at the rear of the properties and would also be overlooked. Brick wall to no7. Would be very close, no tree boundary at this point, inadequate parking facilities, site was a well kept garden for Abbots Close, trees to be removed, will overlook private amenity area and vice versa, inadequate emergency vehicle access exacerbated by parked vehicles, Human Rights Act - right to private and family life, would be infringed by this development, nuisance of so many applications, building and disturbance will be a nuisance, profit motivated, errors in the plans and application, tree boundary has gaps in mistake to rely on it, inadequate visibility at junction of Abbots Court and Park Road, narrow bridge, car parking is unworkable, issues of insurance, inadequate recreation space, insufficient information, concern over cycle access and storage

29 Denham Close - object - out of keeping with the character of the plot, sight lines and visibility, increased car ownership, insufficient parking, proposal is too high destroying privacy and blocking out light.

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14 Denham Close - object - too crowded for the site, insufficient parking space, increased volume of traffic, close to the narrow bridge where increased traffic is dangerous.

3 Denham Close - object - too small for the size of development, three storey houses would dominate the two storey houses, loss of light and impact on wildlife, noise during construction, value reduced, increased traffic onto Park Road, narrow bridge close to entrance

20 Abbey Hill - object - falls in an EN1 area where development should be in keeping with the area, plans are misleading with regard to the access, trees, increased volume of traffic, tandem parking is unworkable with increased movement and pollution, other properties have garages, would tower over the existing two storey houses, numbers need to be reduced significantly, space to the buildings already there, layout is not in keeping, wrong to put flats there in the first place, plot 7 is too close to the boundary with no space for screening.

4 Denham Close - overdevelopment, will be just as obtrusive as the previous proposal, overlooking of two storey houses, no open space for Denham Court, trees along the site belong to Denham Close, inadequate parking provision, proposed road improvements don't address the increased traffic and increased hazard. Out of scale and oppressive, adverse impact on Denham Close.

1 Abbots Court - comments - inadequate space for dwellings and parking, no provision for visitors, not clear which trees are to be removed, extra pressure on the narrow bridge, accuracy of the positioning of the cycle store.

Flat 8, Abbots Court - inadequate spaces which are unworkable, inadequate visibility to the junction with Park Road, overlooking of Denham Close compounded by loss of trees, lack of recreational open space, siting of cycle storage, insufficient information regarding measurements

4 Abbots Court - significant problems with the visibility at the junction, bridge has had significant increase in traffic which has failed to subside, already narrow and dangerous, could it cope with the increased traffic. Existing parking problems in Abbots Court, not enough parking provision, problems during construction, lack of recreational open space, bicycle storage is sited in a garden and is not large enough. Insufficient measurements and information, difficult to visualise, Denham Close would be overlooked, tree cover is not dense, removal of trees would increase noise from the railway line.

7 Abbots Court - inadequate visibility to the junction, increased traffic on the bridge, inadequate parking exacerbating an existing problem, parking arrangements are unworkable, no visitor parking, issues of insurance, overlooking to Denham Close, removal of trees will increase noise from railway, insufficient information on the plans, lack of open recreational space, lack of bike storage and sited in a garden.

Flat 3, Abbots Court - object - access has not changed, bridge cannot take increased volumes, insufficient parking spaces, already parking problems, insurance issues, plans not in enough detail, Denham Close would be overlooked, doesn't address previous refusals.

Flat 6, Abbots Court - object - inadequate visibility to the junction, increased traffic on the bridge, inadequate parking exacerbating an existing problem, parking arrangements are unworkable, no visitor parking, issues of insurance, overlooking to Denham Close, removal of trees will increase noise from railway, insufficient information on the plans, lack of open recreational space, lack of bike storage and sited in a garden.

Flat 19, Abbots Court - object - inadequate visibility to the junction, increased traffic on the bridge, inadequate parking exacerbating an existing problem, parking arrangements are unworkable, no visitor parking, issues of insurance, overlooking to Denham Close, removal of trees will increase noise from railway, insufficient information on the plans, lack of open recreational space, lack of bike storage and sited in a garden.

15 Abbots Court - object - inadequate visibility to the junction, increased traffic on the bridge, inadequate parking exacerbating an existing problem, parking arrangements are unworkable, no visitor parking, issues of insurance, overlooking to Denham Close, removal of trees will increase noise from railway, insufficient information on the plans, lack of open recreational space, lack of bike storage and sited in a garden.

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1 Courtenay Road - object - Park Road cannot sustain the extra traffic, this is a vulnerable site, difficult bend in the road, adjacent to the railway bridge without space for footpaths.

1 Courtenay Road - object - access close to the railway bridge and a dangerous bend in the road, no space for a footpath, increased traffic is a hazard.
An oral update will be given on any representations on the amended plans.

Assessment

The site is located to the south of Abbots Court, which is accessed off Park Road in Winchester. The site previously had garaging, but these have been removed although there is evidence of concrete hardstanding. The site is bounded to the west by the railway line and residential properties on the other three sides. To the north is Abbots Court which consists of 3no. three storey blocks of flats. To the east is Denham Close, which consists of two storey terraced dwellings. The south of the site backs onto the rear garden of a property in Abbey Hill Road.

The proposal is for 3no. three bedroom and 3no. two bed three storey town houses and 1no. one bed unit with associated garaging, parking and alterations to the existing access. The one bedroom unit is to be located to the northern end of the site. This was previously a two bedroom unit, but amended plans have been received showing a one bed unit with 3 undercroft parking spaces. The upper floor windows provide surveillance of the car parking spaces. It has a pitched roof with a balcony on the first floor rear elevation. Materials are proposed to be brick and render with a slate roof. Units 2-6 form a staggered terrace of three storey town houses running on a north-south axis. The main terrace at its northern point is located approximately 10m from the boundary with Denham Close. Unit 7 is a three bedroom three storey dwelling which forms the end of the terrace and is located at 90° to the other properties and forms an end to the site. This unit has been moved away from the boundary. Parking is to be provided for the development at an average of 1.5 spaces per dwelling. There are also to be two cycle stores one of which is to serve the existing development at Abbots Court.

A leylandii hedge runs for part of the boundary with Denham Close. As such, the three bedroom units are closer to the denser vegetation to the northern end of the eastern boundary. The two bedroom units are located to the southern end of the terrace where there is a lack of screening. The eastern elevation of these properties have bathroom and en-suite windows and as such these should be obscure glazed and there is a condition to reflect this. The eastern elevation of unit 7 has no windows proposed at first or second floor level, again there is a condition that no windows should be inserted in this elevation. Balconies are located to the rear of units 2-6. These overlook the railway line and there is over 50m to the nearest properties on the other side.

The town houses all have pitched roofs and are proposed to be constructed of brick with white render, timber windows and slate roofs. The proposed design picks up

elements of surrounding properties and your officers consider that the proposed materials are acceptable.

The siting of the proposal means that the majority of the trees on the site are to be retained, two are proposed to be removed on the western boundary to the railway line and your officers consider that the proposal meets the requirements of EN1. Moving unit 7 away from the boundary means that this allows for new planting along the boundary. The density of the proposed development is 35 d.p.ha which meets the requirements of PPG3, whilst retaining the character of the area. The applicant is proposing that 4 of the 7 units are one or two bedroom units and this therefore complies with the requirements of the SPG on housing mix.

Concern has been raised that the proposal will result in loss of light to Denham Close. The height to the ridge of the three storey town houses is 9m. Your officers do not consider that the proposal will result in loss of light to the dwellings in Denham Close given that at its closest point, the development is 21m away.

The development provides 10 car parking spaces at 1.5 spaces per unit. Cycle storage is also to be provided, although no details have been submitted and therefore amended plans will need to be submitted to demonstrate how the cycles can be accommodated. The City Engineer has been consulted and amended plans have been received, these remove two parking spaces from the hammerhead and this is now acceptable. The scheme shows 27 spaces for the existing flats, which was the number approved under the refurbishment of the flats in 2000, and 10 spaces for the new units, this is at 1.5 spaces per unit, although the City Engineers would like to see how the spaces are allocated. The visibility splays provide a significant improvement, both to existing users of Abbots Court and vehicles travelling west towards the junction. The wall and vegetation to "Meed" will need to be removed and the land dedicated to the Highway Authority at no public expense. This will need to be covered by a suitable agreement and no development should take place until the agreement has been completed and the works implemented. The City Engineer also recommends that the development will need to fund a Traffic Regulation Order to protect the access road and turning head from parked vehicles. This will need to be covered by a suitable agreement, which covers the cost of making the order and lining and signing associated with it. A financial contribution is required to go towards improvement of pedestrian and cycle facilities, particularly the road bridge over the railway and this is to be secured by an agreement to be dealt with by the Director of Environment, Hampshire County Council.

Your Officers consider that the amended scheme is an improvement on that originally submitted and that it complies with the relevant development plan policies and are therefore recommending approval of the application.

Recommendation

O - THAT PROVIDING THE APPLICANT ENTERS INTO A SECTION 106 AGREEMENT, THE FORM AND CONTENT OF WHICH WILL BE AGREED WITH THE CITY SECRETARY AND SOLICITOR TO SECURE THE APPROPRIATE PROVISION FOR OPEN SPACE THROUGH THE OPEN SPACE FUNDING SYSTEM AND TO SECURE FUNDING FOR A TRAFFIC REGULATION ORDER; AND ENTERS INTO A SECTION 106 AGREEMENT WITH THE DIRECTOR OF ENVIRONMENT, HAMPSHIRE COUNTY COUNCIL TO SECURE AND

APPROPRIATE CONTRIBUTION FOR OFF SITE HIGHWAY WORKS AND DEDICATION OF ADDITIONAL HIGHWAY LAND;

THEN PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

Conditions/Reasons

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

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990.

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

03 - means of enclosure, including any retaining structures:

03 - hard surfacing materials:

03 Soft landscape details shall include the following as relevant:

03 - planting plans:

03 - written specifications (including cultivation and other operations associated with plant and grass establishment:

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

03 - retained areas of grassland cover, scrub, hedgerow, trees and woodland;

03 - implementation programme:

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

04 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly

authorised by this permission shall, at any time, be constructed in the eastern elevation of the development permitted.

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

05 The first and second floor windows in the east elevation of units 4,5,6 in accordance with Drawing No: 02 PO74 02 Revision A of the development hereby permitted shall be glazed in obscure glass and thereafter retained.

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

06 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

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

07 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

08 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, specifically the woodland area to the front of the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the details hereby approved.

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

09 The visibility splays shall be constructed in accordance with the approved details (Drawing no: 02 PO74 02 Revision A) and handed over to the Highway Authority as public highway prior to any development or site preparation works on site.

09 Reason: In the interests of highway safety.

10 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

10 Reason: In the interests of highway safety.

11 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

11 Reason: In the interests of highway safety.

12 The car park shall be constructed, surfaced and marked out in accordance with the approved plan (Drawing No: 02 PO74 02 Revision A) before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, unloading, unloading and turning of vehicles.

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

13 Details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the buildings are occupied.

13 Reason: To ensure satisfactory cycle provision is provided.

14 The two bedroom dwellings hereby permitted shall be retained as three separate units and at no time shall works be carried out to combine them to form a larger dwelling nor shall they be used as one dwelling.

14 Reason: To ensure the provision of smaller dwellings in accordance with Policy H7 of the WDLP and SPG Achieving a better mix in new housing developments.

15 Any other conditions on completion of consultations.

Informatives

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

Hampshire County Structure Plan Review: UB3, T2, T4, T5, R2

Winchester District Local Plan Proposals: EN1, EN5, EN7, EN8, RT3, W27, T9

WDLP Review Deposit and Revised Deposit: DP3, DP5, H7, RT2, T4, W6