

**PLANNING DEVELOPMENT CONTROL COMMITTEE****1 December 2005**Attendance:

## Councillors:

Busher (Chairman) (P)

Baxter (P)  
 Bennetts (P)  
 Beveridge (P)  
 Chapman  
 Davies (P)  
 Evans (P)  
 Jeffs (P)

Johnston (P)  
 Mitchell (P)  
 Pearce (P)  
 Pearson (P)  
 Read (P)  
 Saunders  
 Sutton (P)

Deputy Members:

Councillor Lipscomb (Standing Deputy for Councillor Saunders)

Others in attendance who addressed the meeting:

Councillors Clohosey, Cook, Collin, Hiscock, Tait and Verney

546. **APOLOGIES**

Apologies were received from Councillors Chapman and Saunders.

547. **PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**  
(Report PDC605 refers)

The Committee considered the minutes of the Planning Development Control (Viewing) Sub-Committee held on 25 November 2005 (attached as Appendix A to the minutes).

The above item had not been noted for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item on to the agenda, as a matter requiring urgent consideration, in order that the Committee could determine the planning application at the earliest opportunity.

At the invitation of the Chairman, Councillor Verney, Ward Member, spoke on this item. In referring to the conditions relating to the application, he asked whether a condition could be included to protect existing trees, principally on the boundary area of the site. Additionally, following a meeting of the Cheriton Primary School Governors, it had been asked whether a pedestrian footbridge could be provided to supplement the narrow bridge that accessed the site.

Following debate, the Committee supported the addition of a condition to protect the trees on site, but due to the potential high cost and existing contribution of £25,000 towards offsite highway works already provided by the developer, it was agreed that

it would be unreasonable to require them to provide the pedestrian footbridge as requested.

RESOLVED:

That subject to the inclusion of an additional condition to cover the protection of the trees on site, the minutes of the meeting of the Planning Development Control (Viewing) Sub-Committee held on 25 November 2005 be approved and adopted.

548. **DEVELOPMENT CONTROL APPLICATIONS**  
(Report PDC601 refers)

The Schedule of Development Control Decisions arising from the consideration of the above report is circulated separately and forms an appendix to the minutes.

Councillor Beveridge declared a personal (but not prejudicial) interest in respect of items 13 and 14, as he was a member of the City of Winchester Trust, which had commented on these applications and he spoke and voted thereon.

Councillor Busher declared a personal (but not prejudicial) interest in respect of item 10 as she was acquainted with the developer, and she spoke and voted thereon.

Councillor Davies declared a personal (but not prejudicial) interest in respect of items 1, 7, 13 and 14 as he was a member of the Council of the City of Winchester Trust, which had commented on these applications, and he spoke and voted thereon.

Councillor Johnston declared a personal (but not prejudicial) interest in respect of items 3 and 9 as he was a member of the Kings Worthy Parish Council and had participated in discussions on these items and had publicly supported them. He addressed the Committee as a Ward Member and did not vote thereon.

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

In respect of item 2 – Glendale, New Farm Road, Alresford, Councillor Cook, a Ward Member, spoke in objection to the application at the invitation of the Chairman. In summary Councillor Cook stated that this was a cramped site and would result in over-development and a loss of amenity to neighbouring properties. He also referred to the other objections as summarised in the report, including concerns regarding car parking. Following debate, and acknowledging the points raised by Councillor Cook, the Committee agreed to approve the application as set out.

In respect of item 5 – Lainston Farmhouse, Woodman Lane, Sparsholt, Mr Craig-Harvey spoke in objection to the application and Mr Dowling (architect) spoke in support. In its consideration of this item, the Committee agreed that Condition 3, which stated: 'The flat roofed area on the west elevation above the dining room area, shall at no time be used as a sitting-out area. Reason – in the interest of the amenities of neighbouring properties' would be difficult to enforce and was unnecessary and should therefore be deleted. Following debate, the Committee agreed to grant planning permission as set out subject to the deletion of Condition 3 and also to the inclusion of additional conditions as suggested by the Director of Development to cover points relating to the detail of materials to be used.

In respect of item 6 – 50 Falcon View, Badger Farm, Winchester, Mr O'Sullivan spoke in objection to the application and Mr Walker, architect, spoke in support. At

the invitation of the Chairman, Councillor Collin spoke on this item as a Ward Member. In summary, Councillor Collin stated that the application site was former public open space that was now in the ownership of the applicant. The proposals were a speculative development of the existing dwelling on the site to provide 2 two bedroom flats. To achieve development to the rear of the property excavation of the ground would be required as the site rose in level to the rear. The flats proposed would be small and would be unsuitable for families with small children due to their inadequate size. He also had concerns at the reduced headroom in the first floor flat due to the slope of the roof providing little in the way of standing area for the occupants. The development would also impinge on the rear of 49 Falcon View; would have reduced amenity space; the dormer window to the rear would cause overlooking of 45 Falcon View and the arrangements for car parking were unacceptable. He asked that the Planning Development Control (Viewing) Sub-Committee visit the application site.

In reply to Members' questions, the Director of Development clarified that although Building Control had not objected to the application (in terms of the restricted headroom to the first floor flat due to the slope of the roof); they did not have the benefit of detailed plans. Should Building Regulation approval not be achieved, then the applicant would not be able to implement the planning permission if granted, but he would be able to submit amended plans or a new planning application to address their concerns. The Director continued that overlooking of the private amenity space of 45 Falcon View would result, but an assessment had to be made as to its significance in relation to the overlooking that already existed. The Council's Landscape Officer had objected to the parking of cars in the front garden of the property due to the detrimental visual effect on the street scene but this already occurred and was permitted development. The Director clarified that amended plans received had led to an improved application, as the gabled roof to the extension had been replaced by a hip, which would be to the benefit of neighbouring properties and that the Highway Engineer advised that an objection on highway grounds could not be sustained.

Following consideration by the Committee, it was agreed that the reasons for refusal of the previous application had not been overcome. These included the issue of the unsatisfactory space for living accommodation within the roof, so far as the first floor flat was concerned. The Committee therefore agreed to refuse the application and delegated authority to the Director of Development, in consultation with the Chairman, to agree detailed reasons for refusal.

In respect of item 7 – Rosemary Holt, Edward Road, Winchester, Mrs Budd spoke in support of the application and against the officers' recommendation for refusal. At the invitation of the Chairman, Councillor Tait, a Ward Member, spoke on this item. In summary Councillor Tait stated that he supported the application from Meadway House (Winchester) Ltd to convert the property to a single dwelling. The application could be regarded as an enabling scheme to allow Meadway House (Winchester) Ltd, a small local charity that owned this property, to realise funds that it could use to refurbish and extend Meadway House, which was a residential care home that was also in its ownership. The sale of the property was required as Rosemary Holt was too small to be financially viable in its continued use as a residential care home, and the Charity's second property at Meadway House required enlargement for the same reasons. Councillor Tait gave the example of The Grange, which had in recent times sold off its grounds for residential housing in order to enable it to extend its remaining residential home, and he had other examples of similar circumstances.

In reply to Members' questions, the City Secretary and Solicitor explained that it would be possible for the applicant to enter into a legal agreement or undertaking so that the proceeds from the sale of Rosemary Holt were used towards the extension and refurbishment of Meadway House as a residential care home. However, this did not overcome the planning policy objections to the loss of a facility or service with no justification (Policy SF.6.) Following debate, the Committee agreed to defer the application for re-consideration at its 12 January 2006 meeting. This would allow the officers to negotiate with the applicant to establish whether the sequential steps had been undertaken to enable the property's use for an alternative community purpose which was appropriate for the site and to further explore how the proceeds of sale of Rosemary Holt could be used for the refurbishment and enlargement of Meadway House.

In respect of item 9 – 101 Wesley Road, Kings Worthy, Mr D Porter and Miss MacNaughton spoke in objection to the application. At the invitation of the Chairman, Councillor Hiscock, Portfolio Holder for Housing, spoke on this item. In summary he stated that there had been two public meetings providing details of the proposals and the plans had been open for inspection at Kings Worthy Parish Council offices. There was general support for the scheme. Councillor Johnston, a Ward Member, added that Kings Worthy Parish Council supported the scheme but had raised issues regarding the relationship of existing trees and the proposed access road. In response to an issue raised by the public speakers in objection to the application, Councillor Johnston commented that the proposed development was some distance from Bishops Walk and therefore pedestrian access would not be affected. He concluded that the scheme had the support of Councillor Hutton and himself as Ward Members. In response to the points raised, the Director of Development commented that a method statement would be requested to address the issues raised regarding the relationship between existing trees and access arrangements. Following debate, the Committee resolved to grant planning permission as set out.

In respect of item 10 – Newtown Garage, Church Road, Newtown, Fareham, Mr Turton spoke in objection to the application on behalf of Soberton Parish Council and Mr R Buchanan, agent, spoke in support. Following debate, and in supporting the reasons for refusal as set out in the report, the Committee agreed that reason 1(b) be amended to read: 'Results in residential development outside the development frontage of the village and within the countryside in a manner that is inappropriate in terms of scale, density and layout and does not reflect the character of the area.' The Committee also agreed that detailed wording for the reasons for refusal be delegated to the Director of Development, in consultation with the City Secretary and Solicitor and the Chairman to agree, particularly with regard to reasons relating to affordable housing, the definition of an exception site and whether long term development was sustainable in this location.

In respect of item 12 – Ash Farm, Titchfield Lane, Wickham, Mr Lamb spoke in support of the application and against the officers' recommendation for refusal. At the invitation of the Chairman, Councillor Clohosey, a Ward Member, spoke on this item. In summary, Councillor Clohosey stated that this was a difficult case, as although the application site was in a strategic gap, the applicant had been undertaking use of the land for storage, display and sale of motor vehicles for eight years. If the application was not approved then Mr Lamb's source of income would be removed. The operation was not an intrusive business, nor were there highway objections, and the applicant did have local support. Wickham Parish Council had also withdrawn its objection to the proposals. In answer to Members' questions, the Director of Development explained that in 1999, planning permission had been granted to allow a change of use of the site and at that time, a condition had been

imposed that prevented any other commercial use of the site. Therefore the use of the site was in contravention of this condition, and if planning permission was refused as recommended, then enforcement action would be taken. Following debate, the Committee agreed to refuse the application as set out.

In respect of item 13 – 3 Andover Road, Winchester, the Committee noted that Mr Kataria and Mrs Trudgett had registered to speak in support of the application but had been unable to attend. At the invitation of the Chairman, Councillor Tait stated that he had spoken to Mr Kataria and Mrs Trudgett prior to them leaving the meeting and it was his understanding that they wished to comment on the nature of the objections put forward by the owners of an existing hot food takeaway retail unit in the vicinity. The Director of Development clarified that further to the information contained in the report, there were four further hot food takeaway premises in Andover Road as well as premises in nearby Stockbridge Road. The Director continued that of the eleven objection letters received, one had been withdrawn. The Director proposed three additional conditions, one to provide details of materials to be used in the external finish of the rear extension, and one to require further details of the cowl design, size and colour for the extraction flue, and details of the stall riser, window and door frames to the front elevation. Following debate, the Committee approved the application as set out, with the addition of the two conditions as stated above.

In respect of item 14 – 5 West End Terrace, Winchester, Mrs C Mackenzie and Mrs M Hampson spoke in objection to the application, and Mr J Sadler, applicant, spoke in support. Following debate, the Committee approved the application as set out.

In respect of item 3 – land off Hookpit Farm Lane, Kings Worthy – Mr Beechman, spoke in support of the application. At the invitation of the Chairman, Councillor Johnston, a Ward Member, spoke on this item. In summary he stated that this was a one hundred percent social housing scheme providing local needs housing. The site was nine hectares in size, of which 0.8 hectares was to be developed. The proposed car park to access the remainder of the site, which would remain as recreational land to be managed by Kings Worthy Parish Council and Hampshire Rights of Way in respect of the pathways, would be contained within the developed area. The Director of Development informed the Committee that English Nature had not yet commented regarding wildlife habitats. As a result, an additional condition would be included that an ecological survey be carried out and that any works required be implemented by the applicant. Following debate, the Committee agreed to approve the application as set out, subject to the inclusion of the additional condition regarding the carrying out of an ecological survey.

With regard to items that were not subject to public participation, in respect of item 1 – 92 Imber Road, Winchester, in response to a Member's question the Director of Development commented that the threshold for a house being classified as being in multiple occupation was when it was occupied by more than six individuals who were not from the same household.

Items 4 – Rozel Forge, Stapleford Lane, Durley, and item 8 – The Reading Room, London Road, Kings Worthy, were granted planning permission as set out.

In respect of item 11 – Elm Tree Cottage, Upham Street, Upham, the Committee agreed to grant planning permission subject, to the Director of Development investigating whether Elm Tree Cottage retained any historical merit or significant features that were worthy of retention. If this were found to be the case, the item would be referred back to the Committee for further consideration.

## RESOLVED:

1 That the decisions taken on the development control applications as set out in the schedule which forms an appendix to the minutes be agreed.

2 That item 6 – 50 Falcon View, Badger Farm be refused and that delegated authority be granted to the Director of Development in consultation with the Chairman to agree detailed reasons for refusal.

3 That item 7 – Rosemary Holt, Edward Road, Winchester be deferred for re-consideration by the Committee on 12 January 2006 and that the officers negotiate with the applicant to establish whether the sequential steps had been undertaken to enable the property to be used for an alternative community use which was appropriate for the site, and to further explore how the proceeds of sale of Rosemary Holt could be tied by a legal agreement or undertaking to be used for the refurbishment and enlargement of Meadway House.

4 That in respect of item 10 – Newtown Garage, Church Road, Newtown, authority be delegated to the Director of Development, in consultation with the City Secretary and Solicitor and the Chairman, to agree detailed wording for the reasons for refusal, particularly with regard to affordable housing, the definition of an exception site and whether long term development was sustainable in this location.

5 That in respect of item 11 – Elm Tree Cottage, Upham Street, Upham, planning permission be granted, subject to the Director of Development investigating whether Elm Tree Cottage retained any historical merit or significant features that were worthy of retention and if this was found to be the case the item be referred back to the Committee for further consideration.

549. **EXEMPT BUSINESS**

## RESOLVED:

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

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
550	Land adjacent to Pumping Station, Romsey Road, Winchester – case Nos. 05/02053LBC and 05/02045FUL refer.	Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice obtained or action to be action in connection with: a) any legal proceedings by or against the authority; or b) the determination of any

matter affecting the authority; whether, in either case, proceedings have been commenced or are in contemplation. (para 12).

550. **APPLICATIONS W07232/06 AND W07232/07LBCA AT LAND ADJACENT TO THE PUMPING STATION, ROMSEY ROAD, WINCHESTER**  
(Report PDC604 refers)

The above item had not been noted for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item on to the agenda as a matter requiring urgent consideration, in order that the Committee could consider a course of action, following its consideration of the applications relating to the above development at its previous meeting held on 29 November 2005.

The Chairman reported that the special meeting of the Committee held on 29 November 2005 had considered the two applications relating to land adjacent to the Pumping Station, Romsey Road, Winchester. These were full applications and at the meeting the applicant, Architecture plb had presented amendments which had been accepted by the Committee as minor amendments.

However, due to technical problems with the visual display equipment on the day and the fact that the public were not able to see the amended plans until the meeting, it was suggested by the City Secretary and Solicitor that the amended scheme be re-advertised and that the decision notice be not issued until after the period of 21 days, when representation on any new material considerations could be made to the Director of Development. If no new material planning objections were received, then the Director of Development would exercise delegated authority to issue the decision notice.

Following debate, the Committee supported this approach and further agreed that only if new material planning objections were received as a result of the amended plans, would the applications be referred back to the Planning Development Control Committee for determination. The Committee additionally asked that Committee members be notified when the issue was resolved by the Director of Development should no new material planning objections be received.

**RESOLVED:**

That subject to no new material planning objections being received by the Director of Development following the re-advertising of the proposals following the receipt of minor amendments, then the applications be determined by the Director of Development, otherwise, if new material objections are received, then the item be referred to the Planning Development Control Committee for determination and that members of the Committee be informed when the decision is reached.

The meeting commenced at 9.30 am, adjourned for lunch at 1.00 pm, recommenced at 2.00 pm and concluded at 4.55 pm.

Chairman

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE25 November 2005Attendance:

Councillors:

Busher (Chairman) (P)

Davies (P)

Jeffs (P)

Pearce (P)

Pearson (P)

Others in attendance who addressed the meeting:

Councillor Verney

Officers in Attendance:

Mr P Aust (Drainage Engineer)

Mr N Culhane (Highway Engineer)

Mr D Dimon (Principal Planning Officer)

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551. **REFURBISHMENT OF EXISTING OFFICES AND BARN TO 3 OFFICES (B1A) AND 2 WORKSHOPS (B1C); DEMOLITION OF REMAINING BUILDINGS AND REDEVELOPMENT TO PROVIDE 6 2-BEDROOM LIVE/WORK DWELLINGS, 8 2-BEDROOM, 2 3-BEDROOM AND 4 4-BEDROOM DWELLINGS; EXTENSION TO SCHOOL PLAYGROUND; ASSOCIATED LANDSCAPING, PARKING AND ACCESS (AMENDED DESCRIPTION) - FREEMANS YARD, SCHOOL LANE, CHERITON, ALRESFORD**  
(Report PDC596 refers)

The Sub-Committee met at School Lane, Cheriton. The Chairman welcomed to the meeting the applicant's agent (Mr J O'Donovan), Mr K Light (Landscape Architect, Davies Light Associates), Mr M Warren (architect) and Mr S Andrews (Surveyor, Stuart Michael Associates). Also present was Mrs J Barrett (representing Cheriton Parish Council), Mr Walton (Head Teacher of Cheriton Primary School), Mrs Kear (Vice-Chairman of the school governors) and Mrs Scott (from Cheriton Parish Council) together with approximately seven members of the public.

The Sub-Committee considered the detailed planning application (amended) from Knightsspur Homes Limited for the mixed-use development of part employment use and part residential (totalling 24 dwellings) with incorporated public open space, improved access and also provision of a play area for the school. The Sub-Committee had been convened following consideration of the application at the meeting of the Planning Development Control Committee on 9 November 2005, where Members had agreed to visit the site.



The site comprised of approximately 1.1 hectares of the derelict area formerly occupied by Freemans Builders Yard, School Lane, Cheriton. The site was located to the eastern side of Cheriton adjoining the Conservation Area and was allocated for development within the previous Local Plan and also the current Local Plan Review. Access to the site was via School Lane. This narrow unadopted road also served the school (located to the front of Freemans Yard) after firstly passing over a small bridge. The proposals also included various enhancements to School Lane to provide improved access and egress as well as road-safety measures particularly for the school. These included the widening of the road to establish a separate footway and two-way passing and a pinch point, to control vehicle speeds. These improvements would be implemented following acquisition of adjacent land from the school.

Before inspecting the development site, the Sub-Committee inspected School Lane and at the request of the Chairman, Mr Andrews demonstrated the exact positioning of the proposed improvements. It was explained that these would require the removal of the school wall to allow for the inclusion of a new 1.2 metre wide footway (to be maintained along the length of the road) and the road's narrowing to a pinch-point before its widening to 4.8 metres. Metal bollards would be installed to stop parking on the footway leading up to the development entrance. It was confirmed that cars and HGV's would be able to pass safely and that cars would still be able to access driveways to existing premises in the lane. Mr Culhane clarified that the improvements had been subject to a safety audit by an independent consultant and that no concerns had been raised. He also confirmed that the £25,000 developer contribution required by Hampshire County Council would be used to achieve improvements in association with the 'Safer Routes to School' scheme, together with some additional Government funding that was likely to be available following the submission of the school's travel plan. This additional funding would be utilised only for the purpose of further enhancements to road safety initiatives for the school.

Following a question, it was confirmed that School Lane was currently unadopted. Therefore, the applicant would be required to ascertain its legal ownership and have notice served upon them before any development commenced. Mr Dimon reminded the Sub-Committee that the recommendation for approval included a requirement for a Section 106 agreement for, inter alia, the setting up of a management company to maintain all common areas, including the road serving the development and School Lane which was to remain unadopted. Following the concerns of a local resident, Mr Culhane confirmed that service vehicles (including SERCO refuse lorries) would continue to operate on private roads.

At the invitation of the Chairman, Mr Walton (Head Teacher of Cheriton Primary School) addressed the meeting. He reported that he was concerned regarding the possibility of increased traffic utilising School Lane posing a danger to children.

The Sub-Committee proceeded to inspect the development site accompanied by officers, the Ward Member and representatives of both Cheriton Parish Council and the applicant who provided clarification in response to the Sub-Committee's questions. The site comprised of a number of derelict barns and out-buildings. The works office buildings and the large barn located close to the site entrance would be converted to offices and workshops as part of the scheme. The larger trees would be retained on site at the boundaries.

At the rear of the site, Mr O'Donovan indicated the exact positioning of the 'red-line' boundary of the development, which included the proposed public open space which was set to the east of the Local Plan policy settlement boundary, adjoining open

countryside. The site rose steeply to the rear (to the east) and afforded views back towards the village. From photo-montages, it was observed that most long distance views of the development were towards this ridge-line from the west. However, with the inclusion of the generous openspace to the rear of the sloping site, the development would appear well set down in the landscape. Mr Warren explained that matching matt colours of building materials found in the village would be utilised and that the development would continue the natural rise in levels of the village across the valley sides. He considered that the development would not be intrusive in the surrounding Area of Outstanding Natural Beauty (AONB).

Following a question, Mr Dimon stated that the AONB Panel had made no further comment following its earlier concerns about the visual intrusion of the properties to the eastern part of the site, when viewed from the west across the valley.

Mr O'Donovan drew attention to the pegged-out footprint of the larger houses at the most easterly point of the site to its rear, adjacent to the public open space. Mr Warren stated that these would each be 24 feet high to the ridges and would be seen as set down against the rising ground beyond to the east. Members were shown the width and positioning of the roadway and turning point. It was clarified that a full drainage survey had been undertaken and submitted to the Environment Agency and that permeable surfacing would be utilised as much as possible to discourage water run-off, including the roadway serving the dwellings. Members observed that a sizeable area of the derelict site was already comprised of hard standing.

The existing informal footpath to the rear of the site that led to open countryside would be linked to the development via the new public open space and laid out to integrate with the designated public right of way beyond.

Members noted that Cheriton Parish Council had detailed concerns about contamination of the site including that part of the site beyond the development area that may include buried asbestos materials. Mr O'Donovan clarified that remediation work funds had been allocated and that a method statement would be drawn up in due course.

Members were also shown the positioning of other aspects of the development site, including the affordable housing (to face the rear of the school but separated from it by the new playground and netball court). Mr O'Donovan confirmed that ownership of the school extension land would eventually be transferred to Hampshire County Council. Furthermore, the developer had confirmed that they would now assist in the funding of the laying-out of this area.

The Sub-Committee assembled in School Lane outside of the development site.

At the invitation of the Chairman, several members of the public addressed the meeting. A local resident suggested that the 'red line' of the development area had exceeded the policy boundary as defined by the Local Plan. However, following inspection of the site plans the exact positioning of the boundaries in relationship to the development was clarified.

Following a question regarding the proposed dwelling density on site of 30.5 per hectare, Mr O'Donovan clarified that 0.78 hectares was residential out of a total site of 1.1 hectares. He explained that this calculation had excluded the employment part of the site and the retained buildings, car park and playground extension up to the settlement boundary. In conclusion he advised that the development represented the lower end of PPG3 density objectives, mainly due to the site's access constraints.

At the invitation of the Chairman, Mrs Barrett (on behalf of Cheriton Parish Council) addressed the meeting. In summary she stated that there were two main issues regarding the proposals; namely visual impact and the additional traffic generated by the development. The proposals were 'visually confusing' and represented too high a density within a rural area. The additional traffic generated by the development would be in conflict with the already busy school traffic and would be above what the Local Plan Inspector had recommended. Finally the independent safety audit of the improvements proposed for School Lane had not included the bridge. Mrs Barrett suggested that 25 dwellings per hectare on site would be more acceptable.

Responding to the points raised, Mr Culhane reported that the Local Plan Inspector had not been party to the safety audit of School Lane, nor the proposed improvements. The Inspector had only considered the impact upon road safety from the development with regard to the school, based upon the existing narrow width of the road. Assessment of the current proposal had ascertained that negligible additional car movements would be generated by the development (around 1 additional car every 3.5 minutes) and that therefore this factor, together with the proposed highway improvements, provided an acceptable development in highway terms.

At the invitation of the Chairman, Mrs Scott from Cheriton Parish Council addressed the meeting. She stated that the development still represented too high a density, even with the improvements to the access.

At the invitation of the Chairman, Councillor Verney addressed the meeting as Ward Member for Cheriton & Bishops Sutton. He restated the necessity for an up-to-date site contamination report and for drainage and run off issues to be properly addressed. Finally, he suggested that additional car movements following development would be closer to one per minute. In conclusion, Councillor Verney advised that development of the site was generally welcomed, but should be of lower density.

Responding to points raised regarding drainage issues, Mr Aust reported that runoff from existing hard standing on the derelict site would be improved as the new dwellings would have proper guttering and that soakaways would discharge water into the substrata. He acknowledged that the geology of Cheriton was predominantly chalk.

At the conclusion of discussion, Mr O'Donovan reminded Members that the site was allocated for mixed use development within the Local Plan and was a site with a number of constraints. The proposed dwellings were individually designed and, in general, the development offered a number of valuable planning gains, namely; employment opportunities, extension to the school play area, generous open space provision, affordable homes and improvements to access. Finally, as the development represented the lower end of PPG3 requirements, should the proposal be further revised to be of lower density, it would be likely to be 'called-in' by the Government.

Mr Dimon reminded the meeting that within the previous Local Plan, the site was allocated for employment use only, but this had drawn no interest. The site had now been allocated within the Local Plan Review for mixed use residential and employment development. He suggested that the level of traffic movements would have been more if the original policy had been maintained. The development in this

instance also represented the lower end of PPG3 requirements, whilst still retaining some valuable employment allocation and open space provision. Finally, Members were reminded of the many conditions that it was recommended be attached to any subsequent approval of the proposals, including a number of Grampian conditions to address the major issues identified by officers. Mr Dimon recommended that the application be approved.

In its consideration of the proposal, the Sub-Committee acknowledged that refusal of the proposals on grounds of density was likely to be lost on appeal and may result in a scheme with a higher density. Members were also mindful of the access improvements proposed for School Lane and were satisfied that officers considered them acceptable. Members were also satisfied that, following their observation of the site in conjunction with the plans of the development, the buildings at the top end of the site were unlikely to be intrusive in long views from the west as they were set down against the hill and the open space allocation.

At the conclusion of the meeting, Members agreed to support the application and therefore to recommend its approval to the next meeting of the Planning Development Control Committee.

#### RECOMMENDED:

That the application be approved, subject to the following legal agreement provisions and conditions:

A Section 106/Section 278 Agreement for:

1. A financial contribution of £25,000 towards highway improvements;
2. The provision of 8 units of affordable housing;
3. A financial contribution of £44,484. towards the provision of public open space through the open space funding system; (nb this is likely to be offset by the open space provision being offered and the inclusion of a LAP)
4. The setting up of a management company to undertake the maintenance of the unadopted common areas comprising the access roads and footpaths, parking areas and garage forecourt, and the areas of amenity planting;
5. The provision of a public footpath through the site and continuing eastwards to join the existing public footpath network.
6. The provision, preparation, and laying out of the school play area extension and the dedication of such area to the County Council.
7. The provision, preparation, including any necessary measures to deal with contamination, seeding and laying out of the area of public open space for adoption.

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

and subject to the following condition(s):

#### Conditions/Reasons

- 1 The development hereby permitted shall be begun before the expiration of five 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 Plans and particulars showing the detailed proposals for all the following aspects of the development shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) is/are occupied.

- (a) The design of all buildings, storage sheds and cycle stores, including the colour and texture of external materials to be used together with samples of all external facing and roofing materials.
- (b) The alignment, height, materials and finished colour of any retaining walls or structures and all boundary treatments including all walls, fences and other means of enclosure.
- (c) Details of the provision to be made for the storage and disposal of all waste material from the employment units and from the residential units 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 building(s), and their relationship to the levels of any existing adjoining buildings.
- (f) The details of materials/treatment to be used for hard surfacing.
- (g) 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, telecommunication cabinets.
- (h) Details of lighting including any street lighting and lighting for security or other purposes within the employment part of the site.
- (i) The provision to be made for contractors vehicles parking and plant, storage of building materials and any excavated materials, huts and all working areas.
- (j) Access facilities for the disabled.

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

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

4 All alterations to existing buildings shall be undertaken using matching materials.

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

5 The alteration to the boundary wall to the school shall be undertaken using the original materials or materials to exactly match the original materials and shall match the existing wall exactly in terms of the mortar and bond used.

Reason: In the interests of maintaining the character of the conservation area.

6 No demolition or alteration to structures on the site shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation to be submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure that the archaeological and historical interest of structures on the site is properly safeguarded and recorded. .

7 No development pursuant to the permission hereby granted shall commence until the applicant or their agents or successors in title has undertaken a detailed ecological investigation and survey of the site and submitted the findings to the Local Planning Authority for consideration together with a scheme of mitigation and programme for implementation of such measures. The approval in writing of the LPA shall be obtained before any work is commenced and the approved details shall be fully implemented as approved.

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

8 No development pursuant to the permission hereby granted shall commence until the applicant or their agents or successors in title has undertaken an up to date investigation and risk assessment of the potentially contaminated land and a written report has been submitted to the Local Planning Authority for consideration together with a scheme of mitigation and programme for implementation of such measures. The approval in writing of the LPA shall be obtained before any work is commenced and the approved details shall be fully implemented as approved before any residential accommodation on the site is first occupied and any area of open space brought into use.

Reason: To ensure that any contaminated land is identified and suitable measures implemented to avoid human exposure to such contamination.

9 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

10 The live/work units incorporated in the development hereby permitted shall be retained for such purposes with the ground floor 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.

11 No manufacturing, processing or other activity of any kind and no storage of materials, products, plant or equipment shall take place outside of the employment units hereby permitted without the express written approval of the Local Planning Authority being first obtained.

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

12 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, D, E, of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

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

13 No more than 12 of the dwellings hereby permitted shall be occupied before the works to improve the access as shown on Stuart Michael Associates drawing no 2003.1824.001 Rev B have been completed to the satisfaction of the Local Planning Authority.

Reason. In the interest of highway safety and to ensure satisfactory means of access

14 The car park shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles.

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

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

Reason: In the interests of highway safety.

16 The building(s) shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To ensure satisfactory road access is provided.

17 The (garages / parking spaces) hereby approved shall not be used for any other purpose than the parking of cars.

Reason: To ensure the provision and retention of the (garages / parking spaces) in the interests of local amenity and highway safety

18 Before the development hereby permitted is commenced the road layout for the development shall be subjected to an independent safety audit. The findings of the audit shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with any recommendations of the safety audit.

Reason: In the interests of highway safety.

19 No part of the development shall be occupied until such time as the works shown in principle on drawing number 2004.1824.003 or an appropriate highway improvement scheme as agreed by the County Council has been implemented.

Reason: In the interests of highway safety.

20 No development approved by this planning permission shall be commenced until a scheme for the disposal of foul drainage has been submitted to and approved in writing by the Local Planning Authority.

Reason: The proposal is adjacent to a Protected Right, which according to the Environment Agency records is the sole source of drinking water for property.

21 No development shall be commenced until a scheme for the provision of a surface water regulation system is designed and implemented to the satisfaction of the Local Planning Authority and supported by detailed calculations,

Reason: The runoff generated by the 1% probability storm must not exceed the runoff from the undeveloped site to prevent flooding. The scheme should include a maintenance programme and establish ownership of the drainage system.

22 No development approved by this planning permission shall be commenced until

- a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:



a 'risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.

- c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.
- d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters

23 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report

Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard

24 No soakaway or sustainable urban drainage system shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater

25 The method of piling foundations for the development shall be carried out in accordance with the scheme to be approved in writing by the Planning Authority prior to any development commencing.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of the underlying aquifer.

26 The method of demolition and construction for the development shall be carried out in accordance with a scheme to be approved in writing with the Local Planning Authority prior to any development commencing.

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.

INFORMATIVES

1. This permission is granted for the following reasons:

The development is in accordance with the policies and proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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

Hampshire County Structure Plan Review	UB3, H5, H7, H8, EC2, EC3, R2, T4, T5, T6,
Winchester District Local Plan Proposals:	H.1, H.5, H.7, S.13, EN.5, RT.3, HG.6, HG.7, T.9, T.11, T.12,
Emerging Development Plan:-	
WDLP Review Deposit and Revised Deposit:	H.2, H.5, H.7, S.7, DP.1, DP.3, HE.4, HE.5, RT.3, T.4, T.5,

3. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or Bank Holidays. Where allegations of noise from such works are substantiated by the Environmental Health and Housing Department, a notice limiting the hours of operation under the Control of Pollution Act 1974 may be served.

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

5. Under the terms of the Water Resources Act 1991 this development will need a Discharge Consent from the Environment Agency.

6. 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 controlled waters. The applicant is advised to contact the Hants and IOW Area office (Environment Management Itchen Team) to discuss which type of authorisation will be required.

The meeting commenced at 9.30am and concluded at 11.10am

Chairman