

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**25 November 2005**Attendance:

Councillors:

Busher (Chairman) (P)

Davies (P)

Jefferies (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)

1. **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 Knightspur 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 used 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