

PLANNING DEVELOPMENT CONTROL COMMITTEE

13 March 2008

APPLICATION W19673_05/01662/OUT AT LAND OFF HOOKPIT FARM LANE, KINGS WORTHY HAMPSHIRE

REPORT OF THE HEAD OF PLANNING CONTROL

Contact Officer: John Hearn Tel No: 01962 848354

RECENT REFERENCES:

PDC 601 (Item No 3) - Planning Development Control Committee -1st December 2005 (Appendix 1)

EXECUTIVE SUMMARY:

This report updates Members on an application for an affordable housing exception site at Hookpit Farm Lane, Kings Worthy, which was considered at Committee on 1 December 2005. The application was the subject of report PDC 730 which was deferred at the meeting of 10 January 2008. This is a revised version of that report.

The report covers negotiations on the terms of the associated Section 106 agreement, and recommends approval of the application, subject to the applicant entering into a section 106 agreement in amended terms to those which were originally proposed.

RECOMMENDATIONS:

1. That, subject to the applicant entering into a Section 106 Agreement (in a form to be agreed by the Head of Legal Services) containing the terms set out in Appendix 5 of the report, the Application be granted subject to the conditions and for the reasons set out in the Appendix 1 to the Report.

PLANNING DEVELOPMENT CONTROL COMMITTEE

13 March 2008

APPLICATION W19673 05/01662/OUT AT LAND OFF HOOKPIT FARM LANE, KINGS WORTHY HAMPSHIRE

REPORT OF THE HEAD OF PLANNING CONTROL

DETAIL:

1 Introduction

- 1.1 Members resolved to grant this application for an affordable housing exception site at Hookpit Farm Lane, Kings Worthy on 1 December 2005, subject to conditions and a Section 106 agreement to secure land for open space.
- 1.2 Since then, negotiations have taken place on the terms of the Section 106 agreement. The applicant is now proposing to offer less land for open space than had been originally indicated. This report therefore re-assesses the application in the light of this change in circumstances.

2 Progress on Section 106 Agreement

- 2.1 The 2005 resolution was subject to a Section 106 Agreement first being entered into to secure:-

- the provision of 25 units of affordable housing
- The provision of public open space
- Dedication of a public footpath through the application site

and was subject to a number of conditions requiring the submission of further details and reserved matters.

- 2.2 The intention of the Section 106 agreement was to secure the remainder of Top Field (to the south of the application site - see plan in Appendix 4) which the applicant had offered as Public Open Space. However, it soon became clear, following the Committee resolution, that not all the land was in the ownership of the applicant. Subsequent negotiations and discussions have failed to secure the land in question.
- 2.3 A large amount of the land originally offered as public open space continues to be outside the ownership of the applicant and the applicant now wishes to have the original application determined. As it is not possible to conclude a Section 106 agreement on the terms originally agreed by the Committee, it is necessary to bring the application back to Committee for a decision, taking into account the change in circumstances. The applicant is now suggesting that the Public Open Space provision is met on three parcels of land within its ownership to the south west and south east of the application site (see plan in Appendix 3). In addition, the applicant has requested that an area of land to the east of the site to the south of Laburnum Drive be excluded from the open space provision, to potentially be used in the future for 15 further affordable dwellings. The current proposal raises a number of issues.

- 2.4 The land which is now proposed is significantly less than that originally offered at the time of the resolution to grant in 2005. However, in pure terms the amounts being shown as open space for transfer to the Council are adequate to meet the Local Plan's open space standard for general recreational space and children's play space. There is also sufficient quantity on the plan to meet the sports space requirement too. However, the suitability of this land to provide sports pitches is questioned because this is too narrow, too steep and too overgrown.
- 2.5 A significant amount of the land now being offered is designated within the Local Plan as being set aside for recreational land and facilities under Policy RT5.
- 2.6 The principle of an exception site for 25 units of affordable housing was considered to be at the upper limits of what would be considered acceptable in policy terms, but was also considered to be in a sensitive location on the northern slope of Top Field where more distant landscape views from Kings Worthy to the south would not be affected. The land now suggested as being for future further development of 15 units is in a more sensitive and prominent location, and also falls within land designated within the Local Plan as being reserved for provision of public open space. Whilst the current proposals to revise the Heads of Terms of the Section 106 Agreement would not infer that development would be acceptable for the additional 15 dwellings, it is suggested that an informative be added to any approval which confirms that consideration of such a scheme would need to be the subject of a separate application where permission may not be forthcoming.
- 2.7 Whilst the provision is certainly not ideal compared to that previously suggested, it is considered that the provision remains in broad accordance with the requirements of Policy RT4 and the suggested amendments to the proposed Section 106 Agreement accord with Policy RT4 in this respect.
- 2.8 The 25 affordable housing units will be predominantly 3 and 4 bedroom houses, as accommodation of this size, in the social sector, is in such short supply in Kings Worthy. The affordable housing units have already been awarded Government subsidy, which would be lost if a planning consent could not be implemented.
- 2.9 A draft Section 106 agreement has been prepared, which provides for affordable housing and a public footpath. The draft currently is defective in that it does not provide for the affordable housing to be for local people, although it is likely that appropriate wording could be agreed if required. The draft does secure the provision of public pedestrian access through the site from Hookpit Farm Lane to the old railway line, but it does not cover the other route (running southwest from the site, parallel to the Winchester to London railway line, and eastwards along the former railway line to Alresford). However, it is not considered that the reduced public access is sufficient in itself to justify a refusal of the application.
- 2.10 Given the justified need for an affordable housing exception site, it is considered that the requirements of the policy in relation to Public Open Space provision are met within the revised Heads of Terms attached to this report.

OTHER CONSIDERATIONS:

3 CORPORATE STRATEGY (RELEVANCE TO):

- 3.1 This report relates to the objectives of ensuring an adequate housing supply to support the local economy (Economic Prosperity) and using the planning system to

promote the building of new homes to both meet local needs and Government set targets while protecting local character through sensitive design and appropriate densities (High Quality Environment).

4 RESOURCE IMPLICATIONS:

4.1 None

BACKGROUND DOCUMENTS:

Draft Section 106 agreement and correspondence on planning application file.

APPENDICES:

Appendix 1 - Item No 3 to Planning Development Control Committee on 1st December 2005

Appendix 2 - Minutes of Report PDC 601 Item 3 to Planning Development Control Committee on 1st December 2005

Appendix 3 – Revised Plan showing reduced land proposed to be provided for public open space – Plan 014403 Rev D

Appendix 4 – Original Plan showing land to be provided for public open space by securing a Legal Agreement

Appendix 5 – Heads of Terms of Section 106 Agreement

Appendix 6 – Proposed amendment to existing informative and additional Informative to be added to decision notice

**WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA
1 December 2005**

Item No: 03
Address: Land Off Hookpit Farm Lane, Hookpit Farm Lane Kings Worthy
Hampshire

Parish/Ward Kings Worthy

Proposal Description: Residential development for 25 no. affordable dwellings (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) (OUTLINE)

Applicants Name Milford Group Ltd

Case No: 05/01662/OUT

W No: W19673

Case Officer: Mr Robert Ainslie

Date Valid: 13 July 2005

Delegated or Committee: Committee Decision

Reason for Committee: The Officers consider the application to be controversial or potentially controversial

Reason for Committee: 4 or more representations contrary to the Officer's recommendations have been received

Site Factors: Public Right of Way

Site Description

- The application site falls in countryside just outside the built up settlement of Kings Worthy to the north of Winchester.
- The land lies at the south western end of Hookpit Farm Lane which narrows to a small access track which continues to and beyond the railway line which is located to the west. The application site is on the south east side of the road and access track. The land rises steeply from Hookpit Farm Lane across the site to open land to the south west. The land is characterised by mature trees and dense vegetation at the north western boundary of the site by Hookpit Farm Lane. This gives a tunnelling effect to the access track which leads to and under the railway line. As the land slopes upwards towards the brow of the hill the vegetation becomes sparser.
- A footpath (not statutory) runs along the north eastern boundary of the site with Laburnum Drive further on to the north east.
- Firs Crescent lies on the opposite side of Hookpit Farm Lane facing the site, The dwellings are separated predominantly from the road by an open grassed area, although 19-25 are much closer to the site.

Relevant Planning History

No relevant planning history

Proposal

- As per Proposal Description

Consultations

Engineers:Drainage:

- No reason to refuse outline consent on drainage grounds.
- A public foul sewer is available under Hookpit Farm Lane but Southern Water must be consulted to ensure that it has the capacity to accept the flow that the development will generate.
- The site is close to a Flood Zone 3 but not within it.
- Storm water to go to soakaways and would recommend that hard landscaping is minimised and the use of water butts promoted.
- The site is within an Aquifer Protection Zone and the Environment Agency should be consulted.

Engineers:Highways:

- No objection in principle subject to conditions
- Will need to be satisfied that the site can accommodate parking and turning, and any subsequent application will need to meet the HCC parking standards and will need to include a full and independent safety audit

English Nature:

- Comments still awaited

Environment Agency:

- No objection in principle

Environmental Health:

- No objection in principle
- Noise – The site is adjacent to a railway line and less than one kilometre from the A34 trunk road. The applicant should engage a suitably qualified acoustic consultant to prepare a noise report with reference to PPG24 “Planning and Noise” and any other relevant guidance.
- Contaminated Land – The disused railway to the south of the site is believed to have been used for landfill. The applicant should engage a suitably qualified consultant to initially carry out a desktop study as to potentially contaminated land in the vicinity and any other works found to be required by this study.

- Both reports should be forwarded for approval by the Local Planning Authority prior to the commencement of any work.

Forward Plans:

- Support in principle (Considered in more detail under “Principle of development”)

Landscape:

- A significant improvement on earlier proposals in that it no longer seeks to develop the higher and more widely visible parts of the site, concentrating instead on the lower north west facing slope beside Hookpit Farm Lane. Whilst this is not ideal in terms of solar gain, it does preserve the higher level areas for recreational uses and views of open countryside. A cursory site analysis reveals several constraints which will need to be taken into account in the detailed layout.
- The site slopes steeply down to the lane.
- Areas at the bottom of the slope have the potential to be dark, cold and damp in winter.
- Parts of the site will be very close to an operational railway line.
- The development would be clearly visible from the railway line.
- There are several high quality trees on the site which will need to be taken into account.
- No objection at this stage.

Arboriculture

- Lane is completely rural in character and is enclosed tunnel like due to the steep bank to the south which is very dense with vegetation and trees and shrubs along the northern side of the lane. The bank becomes steeper and higher as you progress down the lane and is so dense it is actually difficult to actually access the top part of the site. The trees disperse once over the bank and get progressively fewer when looking back towards the rest of Kings Worthy.
- There is no doubt that this amount of development is possible although there will be some constraints in terms of trees. Detailed analysis by way of a Tree impact Appraisal would be required along with Method Statements explaining how those remaining trees are to be protected and a new tree planting plan indicating structure planting. This will be particularly important as the site is open to views from the south.

Open Space

- Kings Worthy has a substantial deficiency in land for children’s play and land within the blue line to the south east of the development site is identified within the blue line to the south east of the development site is identified in the Open Space Strategy as an opportunity to reduce this deficiency. The Local Plan also reserves land in this location for the provision of new recreation facilities.
- The applicant is proposing to transfer land to the south of the site to the disused railway to Kings Worthy Parish Council by way of a Section 106 Agreement. This will involve providing recreational facilities. Would need to be satisfied that sufficient land is to be transferred, that it is in the right place and that facilities proposed are of sufficient quality.

Southern Water:

- Drainage – There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.
- Water supply – Southern Water can provide a water supply to the site.

Countryside Services – Network Development Officer

- In the process of making a Definitive Map Modification Order recording a public footpath around the development site. This is based on evidence of twenty years use and followed a claim made by the Parish Council some years ago.
- Would request that the developer be asked to dedicate the route shown as a public footpath as part of the planning permission as an alternative to the Modification Order. By affording a dedication as opposed to making a formal order, the landowner has greater control over the route.

Housing Enabling Officer

- Support application
- The proposed number of units is in line with the assessed housing need for the Kings Worthy Area.
- Housing Strategy has had detailed discussions with Milford Group regarding these proposals.

They have also involved and sought support from both the Parish Council and ward members in their consultations prior to submitting their outline application.

- Housing Waiting List (Rented) = 27x1bed units, 22x2bed units, 11x3bed units
- Housing Waiting List (Low cost Home Ownership) = 21x2/3 bed units
- Total Local connection need for Kings Worthy = 81 affordable homes

Representations:

Kings Worthy Parish Council

- Comment Only
- Concerns over vehicle access as the road to and from the site is inadequate

Letters of representations have been received from 33 Neighbours

- Hookpit Farm Lane already provides access to and from various roads. Hookpit Farm Lane is not designed for this sort of traffic and could lead to gridlock at peak periods especially with cars parked at the shop where it is reduced to single lane. Access needs to be from a different location.
- Could result in further interference with Television aerial reception to properties in Firs Crescent.
- Do not believe that the application genuinely complies with all the requirements of Policy H6.
- Would like to see evidence of local need over and above that being provided already in Kings Worthy.
- Does not relate well to the surroundings, and will have an adverse effect on the countryside.
- Would reduce its attractiveness for recreation despite possible provision of currently undefined additional facilities. Site is already used by dog walkers, riders, joggers, cyclists.
- Danger to children who play on the green due to increased traffic.
- Further congestion on roads.
- Development of the site would destroy habitat for slow worms, hedgehogs, deer, hare and song birds.
- Would be extremely hard to avoid affecting the enjoyment of properties in Firs Crescent and increase in traffic would affect enjoyment of properties in Hookpit Farm Lane.
- Would appear that the application contravenes policy in that Paragraph 6.39 of Policy H6 states that exception schemes in excess of 12 dwellings, or on sites greater than about 0.4 ha will not normally be considered to satisfy the criterion of being small scale.
- Would further increase number of vehicular movements occurring daily on Hookpit Farm Lane between its junctions with Springvale Road and Cundell Way.
- Recent commercial developments have already resulted in significant increases in traffic.
- Shortage of places for children to play in the area. These fields represent a safe and much needed space.
- More appropriate locations for development exist, which are ultimately more sustainable better related to the existing built up area.
- Visual intrusion and overlooking to neighbouring properties.
- Impact on countryside designation
- Difficult to fulfil policy RT4 as large part of land identified by the council will be lost, with access for existing residents will be hampered.
- Need has not been demonstrated.
- Scheme does not relate well to the existing settlement, prominent within the landscape, unduly intruding into the landscape and dominating neighbouring properties.
- Contrary to comments by Council in response to representation 234/4 from Gleeson Homes, in relation to suitability of site for development. Objections raised by council then still remain valid.
- Application scant on detail in relation to recreational provision.
- Concerns about location in relation to railway line in terms of noise.
- Need to make dwellings accessible to disabled people.
- Need for dwellings for key workers.
- Number of species of birds will be lost to the parish for ever as a result of the development.

- Concerns about topography of the area and in so far as any dwellings built on the land will drastically alter the skyline.
- Would set a precedent making it difficult to resist development of the rest of the field.
- Land may qualify for village green status and has rights of way across it.
- Lack of infrastructure to deal with increased number of dwellings.
- Potential overlooking
- Potential flooding/drainage problems
- Fresh housing needs survey required, most recent one being published over two years ago.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3, T4, T5, T6, H7, H8, H9, R2, C1, E6, E8, E14,

Winchester District Local Plan

- C1, C2, C14, HG1, HG2, HG3, EN5, EN7, EN8, EN9, EN13, H3, H6, H7, RT3, T8, T9, T11

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP1, DP3, DP5, DP6, DP14, C1, C17, HE1, HE2, H6, H7, RT3, RT5, T1, T2, T4

Supplementary Planning Guidance:

- Achieving a Better Mix in New Housing Developments
- The Hampshire Landscape: A Strategy for the future
- Winchester Housing Needs Survey
- Rural Housing Information Booklet
- Winchester District Urban Capacity Study
- Housing Monitoring Report
- Technical Paper: Open Space Provision and Funding
- Guide to the Open Space Funding System
- Movement, Access, Streets and Spaces
- Parking Standards 2002

National Planning Policy Guidance/Statements:

- PPG 1 General Policy and Principles
- PPG 3 Housing
- PPG 7 The Countryside – Environmental Quality and Economic and Social Development
- PPG 9 Nature Conservation
- PPG 13 Transport
- PPG 15 Planning and the Historic Environment
- PPG 17 Sport and Recreation
- PPG 23 Planning and Pollution Control
- PPG 24 Planning and Noise

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area/spatial characteristics/street scene
- Residential amenities
- Highways
- Public open space provision
- Comments on representations

Principle of development

- Policy H9 of the Hampshire County Structure Plan allows, exceptionally for small scale affordable housing schemes within or adjacent to rural settlements, in addition to the provision of Policy H1, (which establishes the number of dwellings to be provided within local plans), where there is clear evidence of local need. The Local Planning Authority are to

ensure the housing is occupied in perpetuity only by people falling within particular categories of need.

- Where a proven local housing need exists, which cannot be met within the terms of other proposals, Policy H6 of the Adopted Winchester District Local Plan allows, exceptionally for small scale housing schemes (promoted by Registered Social Landlords or other appropriate organisations) beyond the defined development limits of the settlements. This is subject to criteria, including the need for the site to relate well to the settlement, the suitability of dwellings to meet long-term local need, and the avoidance of intrusion into the countryside or harm to the landscape character or setting of settlements. The proposal is to be implemented with caution, and a maximum of 12 dwellings, or site area of 0.4ha is suggested.
- As no dwellings have been provided through exception schemes since the mid 1990s, Members have also agreed to give them more encouragement, with the aim of increasing the number of affordable homes designed to meet the needs of particular rural settlements. Parishes may now have more involvement in the allocation process.
- PPG3 is also a material consideration as it post-dates the adopted Winchester District Local Plan, and it includes Annex B on rural exception housing. It indicates that local authorities should work closely with local communities, making use of village appraisals, where they have been undertaken. The area in which needs are to be considered “local” are also to be defined. The revised process is intended to address this issue, particularly in relation to allowing parishes more involvement in the allocation process. The Annex to PPG3 emphasises the need for the development to reflect the style and character of local building styles in keeping with the surroundings.
- PPG3 has also been recently amended to allow for exception sites only within and adjoining “small rural communities” and this appears to be defined as settlements under 3000 population. Kings Worthy is a settlement in excess of 3000 population. Clarification as to whether the revised PPG advice should preclude consideration of exception sites adjacent to settlements over 3000 population has been sought from GOSE and their reply, although still unclear, does not appear to rule out consideration of exception sites in the larger settlements, where a local housing need has been identified.
- The Revised Deposit Local Plan Review carries forward Policy H6 in a very similar form to the Adopted Local Plan. The text clarifies that the housing need should be related to the housing need in a settlement or parish, and that the Parish Council will be involved in establishing the level of need. Sites are to be well related in scale and character to the settlement concerned, ideally adjoining the edge of the developed area, although it recognises that it may not be possible in the smaller villages. Good access to local facilities, particularly the school, shop and public transport, should be available.
- The Deposit Local Plan Review retained the same suggested maximum size limit for exception schemes as the adopted Plan. However as a result of an objection that sought more flexibility on sizes of schemes, the suggested maximum size of scheme was deleted and replaced with a requirement to relate the size of the scheme to the level of housing need, the size of the settlement to which it relates, and the characteristics of the site. The Inquiry Inspector has supported this approach, albeit with slightly amended wording. He agrees that a size limit applicable to all sizes of settlement is not appropriate but rather that the “scheme should be sympathetic to the size of the adjacent settlement.
- There is a clear shortage of affordable housing in the parish, and the provision of an exception scheme is the only realistic way of meeting the need. It can be provided through the Adopted Local Plan Policy H6 and provides the opportunity to tailor a scheme to meet the particular needs of the parish.
- The Council has sought further clarification from GOSE of the advice in the recent changes to PPG3, in relation to exception schemes adjacent to settlements over 3000 population, but to date no reply has been forthcoming. Their views must therefore be taken as they stand at the moment, and currently they do not appear to be saying that schemes cannot be provided adjacent to larger settlements. Clearly the Local Plan Inquiry Inspector was happy with the provision adjacent to larger settlements and he has recommended minor changes to the Plan’s text to accommodate them. The Principle of provision at Kings Worthy would therefore appear to be acceptable, and this is the approach being taken by other Hampshire Rural Authorities.

- Looking to the criteria with Policy H6, it is noted that the applicant has provided details of other alternatives which have been explored within the settlement of Kings Worthy, but have been discounted for a number of reasons.
- The proposed development would be able to provide affordable housing in perpetuity for local people in proven housing need by way of a Section 106 Agreement.
- The site is well located in relation to the adjoining settlement of Kings Worthy and local facilities.
- The application has only been forwarded in outline and therefore the consideration of reserved matters would ensure that the development related well to the character of adjacent settlements.
- The issues of intrusion into the countryside or the landscape character of the area is considered in more detail below.

Impact on character of area

- The application site comprises land adjacent to Hookpit Farm Lane and on a sloping site. The subdivision to include only this land would prevent the proposal having an intrusive impact on the surrounding countryside. The topography of the site is such that the wider visual impact would not be significant, with the main visual impact being predominantly from Hookpit Farm Lane and partially from properties which bound the site from Laburnum Drive.
- It is not considered that the scheme would have an unacceptable impact on the character of the surrounding landscape and the proposals therefore accord with Policy H6 in this respect.

Residential Amenities

- There is sufficient distance offered by the road and open grassed area for the impact on amenities of people in Firs Crescent to not be significant. This would need to be assessed fully with the submission of proposed siting and design of buildings at reserved matters stage.
- Likewise, the impact on amenities currently enjoyed by properties in Laburnum Drive could be addressed in the submission of Reserved Matters by sensitive siting of the proposed dwellings, together with landscaping and boundary treatment.

Highways

- The application is considered to be acceptable in highways terms and a refusal on such grounds could not be sustained.
- Reference has been made to comments made by the council in relation to an objection into the Local Plan, where the issue of additional impact on the highways by residential development was raised. It must be noted that the council's views in this particular objection related to a significantly larger area of land. It is not considered that the scale of the application proposals would be unacceptable in terms of additional traffic in the locality.

Public Open Space Provision

- The applicant is proposing to transfer land to the south of the site to the disused railway to Kings Worthy Parish Council by way of a Section 106 Agreement. This will involve providing recreational facilities. The negotiation of a Section 106 Agreement would ensure that sufficient land is transferred, that it is in the right place and that facilities proposed are of sufficient quality.

Comments on representations

- The applicant has provided sufficient information, together with details of housing need provided by the Housing Enabling Officer, to satisfy the Case Officer that the proposals accords with the criteria set out in Policy H6.
- The reference to the Councils comments made in relation to the objection made by Gleeson Homes concerning the extension of the settlement to provide residential development are noted, however it must be acknowledged that the area of land was far larger and related to general residential development. This application relates solely to affordable housing on a small portion at the northern end of the field, in the least intrusive part of the site.

Footpath

- It is considered that the best way to safeguard a footpath is for the applicant to dedicate a footpath through the application site. The applicant has expressed a willingness to do this and this can be secured as part of the Section 106 Agreement.

Planning Obligations/Agreements

In seeking the planning obligation(s) for the Provision of Public Open Space, the Provision of Affordable Housing on the site in perpetuity and the dedication of a footpath through the site the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

APPROVE – subject to the following condition(s):

APPROVE – subject to a Section 106/Section 278 Agreement for:

- 1. The provision of 25 units of affordable housing in perpetuity**
- 2. The provision of public open space**
- 3. Dedication of a public footpath through the application site.**

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

Conditions/Reasons

01 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

01 Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

02 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

02 Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

03 Plans and particulars showing the detailed proposals for all the following aspects of the development (hereinafter called "the reserved and other matters") 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.

Reserved and other Matters:

03 The layout including the positions and widths of roads and footpaths.

03 The siting of all buildings and the means of access thereto from an existing or proposed highway, including the layout, construction and sightlines.

03 The design of all buildings, plant and tanks, including the colour and texture of external materials to be used together with samples of all external facing and roofing materials.

03 The layout of foul sewers and surface water drains.

- 03 The provision to be made for the parking, turning, loading and unloading of vehicles.
- 03 The provision to be made for the storage and disposal of refuse.
- 03 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.
- 03 Details of the siting, external appearance and materials to be used for any statutory undertakers or service providers equipment such as electricity sub- stations, gas governors, telecommunication cabinets.
- 03 The provision to be made for contractors vehicles parking and plant, storage of building materials and any excavated materials, huts and all working areas.
- 03 The provision to be made for street lighting (details to include lux levels and luminere design).
- 03 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).
- 04 No development or site preparation prior to development which has any effect on disturbing or altering the level of composition of the land, shall take place within the site until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted by the applicant and approved in writing by the Local Planning Authority.
- 04 Reason: To ensure that the archaeological interest of the site is properly safeguarded and recorded.
- 05 Development shall not begin until a scheme to mitigate the effect of any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public and the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been fully implemented
- 05 Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.
- 06 An Acoustic report shall be submitted by a competent Acoustic Consultant. The report shall details the noise impact on the proposed development from traffic noise and railway noise with reference to PPG24. The report shall propose methods of mitigation of noise from these sources if found to be required, again with reference to PPG24. The report shall be submitted to and approved by the local planning authority prior to the commencement of any works. Any recommendations in the report shall be implemented by the applicant.
- 06 Reason: To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded.
- 07 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:
- 07 - existing and proposed finished levels or contours:
- 07 - means of enclosure, including any retaining structures:

- 07 - car parking layout:
 - 07 - other vehicle and pedestrian access and circulation areas:
 - 07 - hard surfacing materials:
 - 07 - minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc):
 - 07 - proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):
 - 07 - retained historic landscape features and proposals for restoration.
 - 07 Soft landscape details shall include the following as relevant:
 - 07 - planting plans:
 - 07 - written specifications (including cultivation and other operations associated with plant and grass establishment:
 - 07 - schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
 - 07 - retained areas of grassland cover, scrub, hedgerow, trees and woodland;
 - 07 - manner and treatment of watercourses, ditches and banks:
 - 07 - implementation programme:
 - 07 Reason: To improve the appearance of the site in the interests of visual amenity.
- 08 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.
- 08 Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
- 09 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.
- 09 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.
- 10 No development shall take place until a schedule of landscape maintenance for a minimum period of years has been submitted to and approved in writing by the Local Planning Authority.

The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

10 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.

11 The plans and particulars submitted in accordance with condition(s) above shall include:

a) a plan showing the location of, and allocating a reference number to each existing tree on the site which has a stem with a diameter measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

c) details of any proposed surgery or other works to any retained tree, or of any tree on land adjacent to the site;

d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation ****;

e) details of the specification and position of fencing (and of any other measures to be taken) for the protection of any retained tree from damage before or during the course of development. The fencing shall conform to the recommendations of BS 5837 unless otherwise agreed in writing by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

11 Reason: To enable proper consideration to be given to the impact of the proposed development on existing trees.

12 Details of all works to trees (on or adjacent to the site), must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. All tree surgery/works shall be carried out in accordance with the relevant recommendations of BS 3998 Tree Work.

12 Reason: To ensure the continuity of amenity afforded by the tree(s) in question.

Informatives

01. 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.

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

Hampshire County Structure Plan Review: UB3, T4, T5, T6, H7, H8, H9, R2, C1, E6, E8, E14,

Winchester District Local Plan Proposals: C1, C2, C14, HG1, HG2, HG3, EN5, EN7, EN8, EN9, EN13, H3, H6, H7, RT3, T8, T9, T11,
Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP1, DP3, DP5, DP6, DP14, C1, C17, HE1, HE2, H6, H7, RT3, RT5, T1, T2, T4

03. If dewatering of the site and discharge of associated water is necessary during construction operations, the Environment Agency should be notified regarding the dewatering and consulted regarding the need for a discharge consent.
04. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewage infrastructure required to service this development. Please contact Southern Water's Network Development Team (Wastewater) based in Otterbourne, Hampshire or www.southernwater.co.uk.
05. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or www.southernwater.co.uk

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. **DEVELOPMENT CONTROL APPLICATIONS**

(Report PDC601 refers)

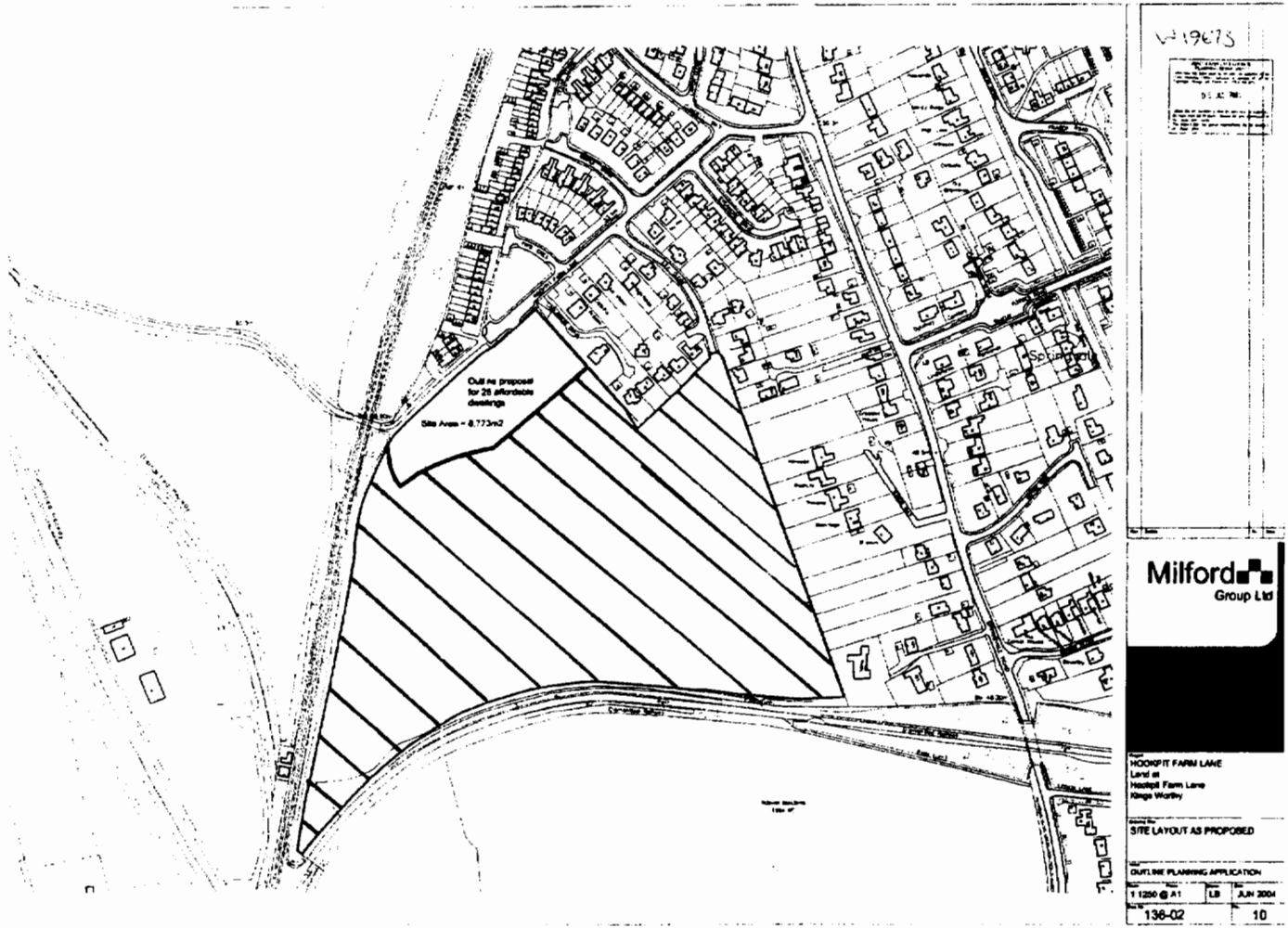
Councillor Johnston declared a personal (but not prejudicial) interest in respect of items 3 and 9 as he was a member of the Kings Worthy Parish Council and had participated in discussions on these items and had publicly supported them. He addressed the Committee as a Ward Member and did not vote thereon.

In 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.

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.

APPENDIX 4



V19075

DATE	
SCALE	
BY	
CHECKED	
APPROVED	

Milford
Group Ltd

APPENDIX 5

Hookpit Farm – Proposed Heads of Terms

A. Affordable Housing Heads of Terms

1. The affordable housing development will comprise 25 dwellings comprising of 5 no. 4 bedroom dwellings, 15 no. 3 bedroom dwellings, 5 no. 2 bedroom dwellings unless otherwise agreed with the Council.
2. A minimum of 15 social rented dwellings must be provided on the development. The tenure of the remaining dwellings is to be agreed with the Council.
3. The affordable housing dwellings must be transferred to and subsequently managed by the Registered Social Landlord, A2 Winchester, unless otherwise agreed with the Council.
4. The Council or its nominated agent/s, will have 100% nomination rights on first and subsequent lettings to all the affordable dwellings.
5. The social rented dwellings must remain as affordable housing in perpetuity, but where properties may be purchased under the Right to Acquire, A2 South or other RSL agreed by the Council shall have the right of pre-emption for a minimum period of 3 months before the RTA owner may dispose of the property on the open-market.
6. Any New Build Homebuy dwellings, where the occupying lessee has the right to purchase 100% of the property, A2 South or other RSL agreed by the Council shall have the right of pre-emption for a minimum period of 3 months before the Homebuy lessee may dispose of the property on the open-market. This creates the opportunity, subject to grant funding, for the Homebuy dwellings to remain affordable in perpetuity.
7. The development should be built to at least the minimum Housing Corporation or equivalent government agency's build standards, at the time of construction, to ensure the dwellings are eligible for grant funding.
8. The affordable dwellings may only be occupied by persons deemed to be eligible in accordance with the Council's housing policies and scheme of allocation concerning the allocation of Council or Housing Association accommodation.
9. In addition to para. 8 the affordable dwellings will be subject to additional local occupancy criteria pursuant to s106 of the Town and Country Planning Act 1990. These additional criteria, to be agreed with Kings Worthy Parish Council, will ensure that the affordable units may only be allocated to local people in accordance with Policy H.6 of the Winchester District Local Plan 2006.

B Open Space

Open Space Requirements

The calculations below are on the basis of 25 three-bedroomed dwellings. However, the final housing mix will only be determined at reserved matters stage, and therefore the terms of the Section 106 agreement will be to require the provision below, reduced in accordance with the Open Space Strategy applicable at commencement of the development.

		General	Play	Sport
1				
2				
3	25	300m ²	600 ²	1200 ²

- At least 300m² of on site general recreation open space on site (non negotiable – no financial equivalent). Note – this must be within the red line site and cannot be provided on adjacent land.
- 600m of childrens play space on site, to include an equipped play facility (LAP) or, if this is not 'possible' then a mixture of land and a financial contribution. In this case, provision for the LAP could be on site, off site (next door) or a standard public open space commuted sum provided for.
- At least 1200m of adult sport space, ideally the full amount discussed earlier (ie all of the Top Field) but if this is not capable of being provided, this would have to be covered by the provision of a standard public open space commuted.

C Footpath

1. A footpath route shall be provided (with appropriate surfacing and signage) from Hookpit Lane through the site and running in a south-easterly direction to the former railway line to the south of the site.

D Open Space Transfer

1. The land shown coloured blue on Drawing Number 0144-03 shall be transferred to the Council (or at its direction the Parish Council) at nil cost.

2. The legal costs of the Council and/or the Parish Council shall be met by the developer.

APPENDIX 6

Proposed additional informative and amendment to existing informative to be added to Approval

05/01662/OUT W19673

Residential Development for 25no affordable dwellings at land off Hookpit Farm Lane, Kings Worthy

Amendment to Informative No2

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

Hampshire County Structure Plan Review: T5
Adopted Winchester District Local Plan Review: DP1, DP3, DP5, DP6, DP14, C1, C17, HE1, HE2, H6, H7, RT3, RT5, T1, T2, T4

Additional Informative to be added.

The applicant is advised that this decision relates solely to approval for 25 affordable dwellings on the land as shown on the approved plans. The decision does not infer that planning permission is granted or even likely to be granted for the land which is annotated on the plans as being for 15 affordable dwellings. This would need to be the subject of a separate application and would be considered on its own merits or demerits.