

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City  
Council  
Planning Department  
Development Control

TEAM MANAGER  
SIGN OFF SHEET

## Committee Decision

<b>Case No:</b>	08/00812/OUT	<b>Valid Date</b>	1 April 2008
<b>W No:</b>	00683/25	<b>Recommendation Date</b>	10 June 2008
<b>Case Officer:</b>	Mr Tom Patchell	<b>8 Week Date</b>	<b>1 July 2008</b>
		<b>Committee date</b>	
<b>Recommendation:</b>	<b>Application Permitted</b>	<b>Decision:</b>	<b>Committee Decision</b>

<b>Proposal:</b>	Erection of 35 no. dwellings (OUTLINE - considering siting and access) (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY)
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<b>Site:</b>	Downlands Estate Development Downlands Way South Wonston Hampshire
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Open Space	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
<b>Y</b>	<b>N</b>	<b>N</b>	<b>Y=2</b>	<b>N</b>	<b>Y</b>	<b>N</b>

DELEGATED ITEM SIGN OFF		
<b>APPROVE</b> Subject to the condition(s) listed	<b>REFUSE</b> for the reason(s) listed	
	Signature	Date
<b>CASE OFFICER</b>		
<b>TEAM MANAGER</b>		

**AMENDED PLANS DATE:-**

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**Item No:** 1  
**Case No:** 08/00812/OUT / W00683/25  
**Proposal Description:** Erection of 35 no. dwellings (outline - considering siting and access) (This application may affect the setting of a Public Right of Way)  
**Address:** Downlands Estate Development Downlands Way South  
Wonston Hampshire  
**Parish/Ward:** South Wonston  
**Applicants Name:** Bellway Homes (Wessex)  
**Case Officer:** Mr Tom Patchell  
**Date Valid:** 1 April 2008  
**Site Factors:**  
**Recommendation:** Application Permitted

### General Comments

This application is reported to Committee because the next agenda item (Item 2, ref: 08/00944/FUL) at the same site is being reported to the Committee due to the number of objections received. This planning application is for the same development, number of dwellings and layout, but has been made in outline, with siting and access included for consideration.

This planning application has been submitted following the approval of a previous outline planning application, ref: 07/01417/OUT. The site has been sold to the current applicants, Bellway Homes, who still wish to develop 35 dwellings.

However, the road layout and siting of the 35 dwellings differs slightly from the approved outline application and therefore this fresh outline planning application has been submitted.

Within this planning application, 33 of the 35 dwellings would be contained within buildings that are 2 storeys in height, with only two dwellings being 2½ storeys in height.

### Site Description

The site is approximately 1.07 hectares of land set between the eastern and western branches of Downlands Way.

To the north of the site are the rear gardens of detached dwellings that front onto Downs Road. In two instances, bungalows have been developed within the long rear gardens.

The northern boundary has a number of large mature trees and hedging, providing a screen to the rear gardens and one of the bungalows.

To the eastern boundary are the detached and terraced dwellings of Downlands Way and Oaklands.

No.39 Downlands Way is set within 4 metres of the eastern boundary of the site and has two first floor windows in its side elevation overlooking the land.

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Within Oaklands, Nos. 1 to 3A have their rear elevations overlooking the site. These properties have relatively small rear gardens and the dwellings are set approximately 1 metre below the level of the application site.

The rear boundaries to the dwellings in Oaklands are delineated by low bramble hedging, which allows for views over the adjoining land.

Adjacent to the north eastern corner of the site, No. 3B Oaklands has its side elevation facing onto the site, but is screened from view by mature trees on the boundary.

To the south of the site is The Ox Drove, with agricultural land beyond. To the south east of the site there are mature trees with a post and rail fence and open views of the land beyond.

On the southern boundary of the site, there is a pair of detached dwellings, which have ground and first floor windows overlooking the site, and are currently screened by the central belt of trees that run north to south through the site.

To the west of the site are dwellings within the western branch of Downlands Way. To the boundary, a substantial hedge screens the windows of the adjoining properties from overlooking the site.

The site itself slopes from north to south and west to east.

Within the application site, there are three distinct characters. To the east is an overgrown area of grass with paths criss-crossing it. The central area contains a belt of mature and maturing trees, some of which are covered by an area Tree Preservation Order, and many of the trees within the belt are self-seeded. The area of woodland currently provides screening for a small complex of stables. The western third of the site is paddock and was previously used for horse riding.

The character of the surrounding residential development comprises detached, semi-detached and terraced properties with a mix of housing styles from bungalows to 2-storey dwellings. The dwellings are set back from the highway by front lawns and driveways, which provides an open character to the area.

## **Proposal**

The proposal has been made in outline with only the means of access and siting to be considered at this time.

The proposal has indicated the retention of the group of TPO'd trees through the centre of the site and it is proposed to provide a 'spine' of public open space running through the centre of the site, from north to south, within which most of the protected trees are located. A footpath is proposed to connect the development with The Ox Drove.

Each branch of Downlands Way would be extended to provide vehicular access for the development. However, this would not result in the creation of a through route for traffic, as within the centre of the site it is proposed that an access of restricted width be provided for pedestrian and cycle access, with only emergency vehicular access possible.

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This application does not include details of the final design or appearance of the proposed 35 units, although there is an indication that the dwellings would be 2 storeys in height, with only Plots 12 and 13 being 2½ storeys.

Alterations have been made to the layout and footprints of the buildings that were approved under the outline consent for application ref: 07/01417/OUT, and these differences are as follows:

1. The row of properties that back onto the dwellings in Oaklands are no longer pairs of semi detached dwellings separated by tandem parking. The detached dwelling, at the entrance of the site and the two pairs of semi-detached dwellings, to the north, now form a terrace, being linked by the garaging for each dwelling. A gap of 22 metres will remain between the dwellings in Oaklands and the proposed dwellings.
2. It is no longer proposed to have a pair of flats at Plots 23 and 24 with a single detached dwelling and a pair of semi detached dwellings to the north. It is now proposed to have a single detached dwelling, with 2 pairs of semi-detached dwellings to the north. The potential for a vehicular access to continue, to a future development within the rear gardens of Nos. 84-88 Downs Road, remains.
3. The two pairs of semi detached dwellings within the south east corner of the site have larger footprints than those originally approved under application ref: 07/01417/OUT.
4. It is no longer proposed to locate a dwelling immediately adjacent to the eastern boundary of The Farthings. Instead, a feature will be created on the entrance to the site by some appropriate tree planting. This dwelling is now proposed to be located, along with a pair of semi-detached dwellings, to the north of The Farthings and Kentsbray.
5. Within the centre of the northern part of the site, the single dwelling and its associated garden have been significantly reduced in size. This has allowed for the whole belt of trees to be retained in open space land and therefore secure its long term retention. Previously the trees were retained within a garden and so could have faced pressure for removal due to overshadowing, etc.
6. Within the north west corner of the site the proposed flats and area of car parking associated with the dwellings and apartments remain in the same location, again with a possible vehicular access through to a future development in the rear gardens to the north.
7. The proposed dwellings to the north of the access road are now to be two pairs of semi-detached dwellings, instead of three detached dwellings.
8. Within the south west corner there will remain three dwellings that front onto The Ox Drove/Lower Road, but the vehicular access and garaging/parking associated with these properties is to be through the site. It is not proposed to access any of the proposed dwellings from Lower Road/The Ox Drove.
9. The dwellings to the south of the western access spur of Downlands Way are proposed to be two smaller and one larger detached dwellings, instead of the two pairs of semi-detached dwellings approved under planning application ref: 07/01417/OUT.

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10. As a result of all the dwellings being accessed from within the site, there has been a reduction in the area of open space around the protected belt of trees, from 0.2 hectares to 0.12 hectares.

### Relevant Planning History

**06/02159/OUT - W00683/23** (Amended plans) Erection of 40 no. dwellings with associated access and parking (Outline), Downlands Estate Development Downlands Way South Wonston Hampshire - Application Refused - 10/04/2007 (Committee decision)

**07/01417/OUT - W00683/24** 35 Dwellings (comprising five 1-bed, thirteen 2-bed, fourteen 3-bed and three 4-bed dwellings) with associated access; hard and soft landscaping (Resubmission) (Outline), Downlands Estate Development Downlands Way South Wonston Hampshire - Application Permitted - 28/08/2007 (Committee decision)

### Consultations

Engineers (Highways): No objection subject to reserved matters conditions (Included within Condition 2).

This current proposal would be served by the same access points as the previously approved scheme and is therefore acceptable.

Environmental Protection:

No adverse comments to make concerning the application. However, given the scale and sensitive nature of the development, appropriate contaminated land conditions should be attached to any approval (Conditions 11, 12 and 13)

Landscape: No objection subject to landscaping condition (Condition 6)

The submitted landscape scheme fails to capitalise on the opportunity for replacement tree planting, which should include much larger growing tree species.

Open Space: No objection

Satisfactory layout, arrangement and quantity (1,292m<sup>2</sup>), quality and accessibility of public open space is being provided.

It will be important to ensure that the retained trees are adequately protected, from initial site clearance operations up to the completion of the building phase. (Condition 10)

Natural England: Awaiting comments on submitted Ecological Report and will be verbally updated at Committee.

Strategic Housing: Supports, subject to the provision of appropriate affordable housing.

The

required provision is for 10.5 units. This is to be provided by means of 10 affordable housing units on site, and a commuted financial contribution equivalent to 0.5 of an affordable dwelling.

The affordable housing should be of the following type and tenure:

Social Rent

2 No 1 bedroom flat

2 No 3 bedroom houses

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1 No 4 bedroom house

Newbuild Homebuy

2 No 1 bedroom flat

3 No 2 bedroom houses

Hampshire County Council (Development and Biodiversity): Objects

The ecological report is the same as that which was submitted in 2006 and there are concerns over the lack of detailed information the report contains.

The report identifies that the site has the potential to support bats, reptiles, badgers and invertebrate species and yet full surveys have not been undertaken. In addition, the proposals would result in the loss of a suitable habitat for foraging and commuting bats together with bat roosts and suitable sites for reptiles.

All protected species surveys should be undertaken prior to the determination of an application.

Hampshire County Council (Countryside Planning): No objection

Unlike previous applications, this one does not propose to use The Ox Drove restricted byway.

Hampshire Constabulary: No objection.

If planning permission is approved, the applicant should be encouraged to apply for an award under the ACPO Secured by Design Scheme.

**Representations**

South Wonston Parish Council:

Opposes the 2.5 storey dwellings in terms of their height in relation to the existing dwellings in the surrounding area. In addition, there is an issue with regard to the dwellings to the east of the site as a result of the change in levels of the land to the dwellings in Oaklands.

Not satisfied with proposed traffic flow figures.

Existing residents have problems with shared driveways.

Provision of a footpath link to Downs Road is welcomed, however the amenity of the adjoining occupants should be considered. The existing track is only wide enough for a vehicle and a conflict could arise with pedestrians and the Parish Council would not wish to see the trees or hedging sacrificed.

The proposed play area should not be provided purely because of policy, should assess the need once the dwellings are occupied.

The presence of bats and slow-worms should be fully investigated, with relocation undertaken in an appropriate manner.

2 letters received objecting to the application for the following reasons:

- Object to the footpath to Downs Road.

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- Noise and disturbance from the associated foot traffic, particularly in the evening, as it is likely to be used as a route to the social club.
- Loss of privacy and potential for malicious damage to property.
- There are already adequate pedestrian routes to Downs Road from the site.
- Proposed footpath would be used by motorcyclists.
- Potential conflict with vehicular traffic using the route.

### **Relevant Planning Policy**

#### Hampshire County Structure Plan Review:

No saved policies of relevance

#### Winchester District Local Plan Review

DP.1, DP.3, DP.4, DP.5, DP.6, DP.10, CE.10, HE.1, HE.2, H.1, H.3, H.5, H.7, RT.4, T.1, T.2, T.3, T.4 and T.5

#### National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development  
PPG 3 Housing  
PPS12 Local Development Framework  
PPG 13 Transport

#### Other Planning Guidance

Guide to the Open Space Funding System  
Housing Monitoring Report  
Movement, Access, Streets and Spaces  
Winchester Housing Needs Survey

### **Planning Considerations**

#### Principle of development

The site is located within the settlement boundary of South Wonston and is not identified as protected recreational open space.

The policies of the adopted Local Plan support residential redevelopment and infilling within the defined settlements providing that the proposed development:

- Makes efficient and effective use of the land. (The density of the proposed development is approximately 32 dwellings per hectare with the density of the immediate surrounding areas of Downlands Way between 22 and 25 dwellings per hectare).
- Responds positively to the character and appearance of the surrounding area. (The proposed layout of the development does respond positively to the character and appearance of the surrounding area).
- Keeps parking provision to a minimum. (There is a parking ratio of 2.1 spaces per dwelling);
- Does not have an adverse or unacceptable impact on the occupants of adjoining properties. (The proposed layout and size of dwellings would not result in any detrimental effects to the amenities of adjoining occupants);
- Contains sufficient open amenity and recreational space. (Satisfactory layout, arrangement and quantity (1,292m<sup>2</sup>), quality and accessibility of public open space is being provided).

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Within a development of this size there is a need to provide for a mix of housing types and sizes. 50% of the proposed dwellings should be smaller dwellings of one or two bedrooms, with a gross internal floor area not exceeding 75 square metres. Of the 35 dwellings, 18 would have one or two bedrooms with a gross internal floor area not exceeding 75 square metres.

There should also be the provision of an element of affordable housing of 30% of the proposed number of dwellings. The provision of 10 units on site, with a financial contribution equivalent to 0.5 of a dwelling, has been agreed.

Planning Policy Statement 3: Housing (PPS3)

PPS3 promotes more sustainable patterns of development and making better use of previously-developed land. This policy document seeks to provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available, and seeks to create mixed communities. PPS3 also promotes good design in new housing developments in order to create attractive, high-quality living environments in which people will choose to live.

Affordable Housing

The scheme provides affordable housing in accordance with the adopted planning policies, which will be secured through a Section 106 legal agreement.

Achieving a Better Mix in New Housing Developments

There is an emphasis on increasing the proportion of smaller units, one and two-bedroom and encouraging a greater variation in the types of property being built.

The proposals put forward in this application are in outline form, with only siting and means of access to be considered at this time.

As part of the supporting information, a schedule of the proposed housing that could be provided has been submitted. This information indicates that 50% of the dwellings are to be one or two bedrooms, with a gross internal floor area not exceeding 75 square metres.

Impact on character of area and neighbouring property

The density of the proposed development is approximately 33 dwellings per hectare. The density of the surrounding areas is between 16 and 22 dwellings per hectare and therefore the proposed development would represent an increase. However, this would not be detrimental to the character and appearance of the surrounding area.

The proposed development positively reflects the character and appearance of the surrounding area through the proposed retention of significant areas of landscaping and the properties having a simple appearance, with appropriate design features, and being detached and semi-detached dwellings. In the majority of the development, the proposals retain the character of gaps between dwellings, or with the off-setting of a terrace.

As part of the proposals put forward, it is intended to retain a significant area of woodland through the centre of the site. The trees to be retained are all covered by an area Tree Preservation Order and represent a significant feature in the character and appearance of the surrounding area and therefore are considered a significant landscape buffer strip.

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The proposed layout would not have a potentially detrimental relationship to properties on the adjacent boundaries with regard to the siting of dwellings and the location of car parking. There would be a distance of approximately 22 metres between the rear elevations of the dwellings within Oaklands and the proposed dwellings.

There are no longer any proposed dwellings with either their rear or side elevations immediately adjacent to the shared boundaries of adjoining dwellings. This has removed an overbearing and detrimental affect to the amenities of the adjoining occupants.

The surrounding development is characterised by 2-storey dwellings and, whilst the Council is not advocating that there should be a replication of the architectural style of the existing development, the adopted policies of the Winchester District Local Plan require that any proposed development responds positively to the character, appearance and variety of the local environment.

It is accepted that a small number of 2½ -storey units could be provided to the southern boundary, without detriment to the character of the surrounding area, or the amenities of adjoining occupants.

It is not considered that the proposed 35 dwellings would detrimentally increase any light pollution within the surrounding area, above that already created by the existing development of South Wonston.

It is proposed to provide a pedestrian link from the development onto Downs Road, by utilising the existing access to No. 74 Downs Road. Concern has been raised with regard to the suitability of this proposal and possible conflict with the existing vehicular use and possible detrimental affects to the adjoining occupants.

The proposed footpath was approved under the previous outline planning consent, ref: 07/01417/OUT, where the same concerns were raised.

The Highways Engineer has not raised an objection to the proposed dual use of the vehicular access and therefore it is considered adequate to accommodate both pedestrians and the vehicular traffic associated with a single dwelling without conflict to either. It is not proposed to provide a separate pedestrian path and therefore there is no prospect of the boundary hedging and trees to Nos. 72, 74 and 84 Downs Road being removed

Proposed Condition 14 requires the submission of details to provide a barrier to the southern end of the proposed pedestrian link, which would prevent the use of the track by motorcycles.

A tall hedge exists along the boundaries of Nos. 72, 74 and 84 Downs Road, which would prevent any loss of privacy to the occupants of these dwellings from the proposed pedestrian use, and any potential noise disturbance is considered to be minimal.

#### Landscape/Trees

Much of the reduction in open space provision has been caused by the accessing of all proposed dwellings through the site and a need to create an access through the site to the three dwellings fronting Lower Road/The Ox Drove,

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Although the area of public open space is being reduced through the centre of the site, the area that remains is still adequate in terms of its quantity and quality with regard to the size of the development.

In addition, the re-arranged site layout to the northern part has allowed for the retention of the tree belt within the retained open space, rather than a private rear garden, ensuring the long term retention of the trees.

Highways/Parking

The scheme is acceptable from a highway point of view and there is no dispute with the traffic flow figures that have been submitted. The Highways Engineer has, however, stated that the proposed internal road layout could not become an adopted highway in its present form. The applicants and their agents have confirmed that the proposed highway would remain a private road.

The Rights of Way Officer for Hampshire County has no objections to this proposal, as none of the proposed dwellings will be accessed via Lower Road/The Ox Drove.

Planning Obligations/Agreements

In seeking the planning obligations and financial contributions for recreational open space and affordable housing, 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**

Application Approved, subject to the following conditions and the applicant entering into a legal agreement to secure:

- **Affordable housing – 10 units to be provided on-site, in a location to be agreed with the Housing Strategy and Development Manager.**
- **Financial contribution equivalent to 0.5 of a dwelling**
  
- **Public open space contributions for the following:**
  - **Open Space**
  - **Commuted sum for grounds maintenance**
  - **Inspection fee**
  
- **Public pedestrian and cycle access through the site in the event that the roads are not adopted, including public access to The Ox Drove.**
  
- **The provision and maintenance of public open space and play equipment.**

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

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**Conditions**

1. 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.

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

2. 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.

- the siting of all buildings and the means of access thereto from an existing or proposed highway, including the layout, construction and sightlines.-
- 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.
- the details of materials/treatment to be used for hard surfacing.-
- the layout of foul sewers and surface water drains.-
- the manner of treatment of any existing water courses and ditches.-
- the provision to be made for the parking, turning, loading and unloading of vehicles.
- the alignment, height and materials of all walls and fences and other means of enclosure.
- the provision to be made for the storage and disposal of refuse.
- 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.
- 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.
- the provision to be made for street lighting.
- landscape considerations including:
  - (i) an accurate plan showing the position, type and spread of all the trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring each tree to a satisfactory condition; and also details of any proposals for the felling, pruning, trimming or uprooting of any trees;

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(ii) a landscape scheme showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;

(iii) the arrangements to be made for the future maintenance of landscaped and other open areas.

- the details of materials/treatment to be used for hard surfacing.
- the alignment, height and materials of all walls and fences and other means of enclosure.
- 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.
- the provision to be made for contractors vehicles parking and plant, storage of building materials and any excavated materials, huts and all working areas.
- the provision to be made for the storage and disposal of refuse.
- the provision to be made for the parking, turning, loading and unloading of vehicles.
- the layout of foul sewers and surface water drains.
- 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.

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 in the construction of the external surfaces of the dwellings 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 before each house is occupied.

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

4. 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 and E of Part 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.

5. The garages hereby permitted shall only be used for the purpose of accommodating private motor vehicles or other ancillary domestic storage purposes, and shall not, at any time, be used for living accommodation, business, commercial or industrial purposes.

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

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6. 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:

- means of enclosure, including any retaining structures:
- other vehicle and pedestrian access and circulation areas:
- hard surfacing materials:
- minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signs, lighting etc).
- proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):

Soft landscape details shall include the following as relevant:

- written specifications (including cultivation and other operations associated with plant and grass establishment:
- retained areas of grassland cover, scrub, hedgerow, trees and woodland;
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- planting plans:
- implementation programme:

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

7. 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.

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

8. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 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.

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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.

9. 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.

10. The existing trees shown as being retained within the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement - Construction Phase, dated 14 March 2008, prepared by Mark Hinsley Arboricultural Consultants, reference number APP/5/01/app, shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of fencing, in accordance with BS 5837, and as shown by plan reference number 1231-5, Tree Survey and Tree Protection Plan Construction Phase - Proposed Development. This fencing shall be erected before development commences and shall be retained until the development has been substantially completed.

Reason: To retain and protect the trees which form an important part of the amenity of the area.

11. Prior to the commencement of the development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), a scheme to deal with contamination shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall conform to current guidance and best practice as set out in BS10175:2001 Investigation of Potentially Contaminated Sites – Code of Practice and Contaminated Land Reports 7 to 11, or other supplementary guidance, and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:

- a) a desk-top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;
- b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;
- c) a remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

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

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12. Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provisions of Condition 11c) shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the remedial strategy approved under the provisions of Condition 11c) has been implemented fully, unless varied with the written agreement of the Local Planning Authority in advance.

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

13. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

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

14. No development shall take place until details of the bollards to be erected at the eastern and western ends of the emergency link, and the method to prevent vehicular use of the footpath link to Downs Road, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of the adjoining occupants and to prevent the creation of a vehicular 'through route' within the development.

### **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: No saved policies of relevance  
Winchester District Local Plan Review 2006: DP.1, DP.3, DP.4, DP.5, DP.6, DP.10, CE.10, HE.1, HE.2, H.1, H.3, H.5, H.7, RT.4, T.1, T.2, T.3, T.4 and T.5

3. All works including demolition and construction should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs Saturday and at no time on Sunday or Bank Holidays. Where allegations of noise from such works are

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substantiated by the Health and Housing Service, 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 sustained by the Environmental Health and Housing Department, and 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.