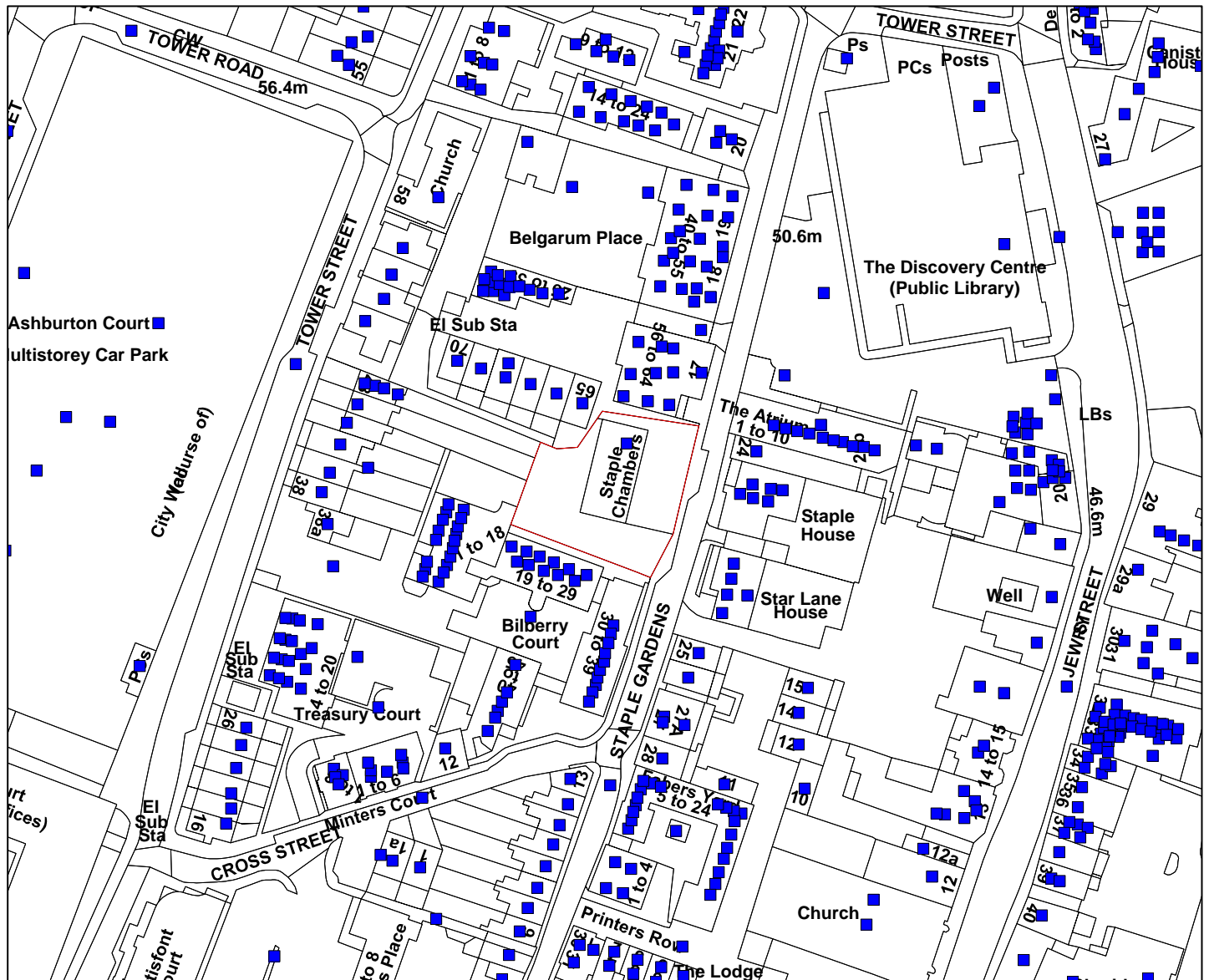


# Staple Chambers, Staple Gardens, Winchester

10/02813/FUL



**Legend**

Scale:



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<b>Organisation</b>	Winchester City Council
<b>Department</b>	Development Services
<b>Comments</b>	
<b>Date</b>	07 July 2011
<b>SLA Number</b>	00018301

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**Item No:** 1  
**Case No:** 10/02813/FUL / W09184/06  
**Proposal Description:** (AMENDED PLANS) Mixed use redevelopment of site comprising of B1(a) office floor space to ground floor and within existing basement, 2 no. one bedroom flats and 9 no. two bedroom flats plus associated car parking structure to rear of building. (Amended plans received 06.06.2011 altering the design of the building, reducing the height by one storey, reducing the number of proposed units by one, making changes to the parking layout and altering the proposed landscaping scheme).  
**Address:** Staple Chambers Staple Gardens Winchester Hampshire SO23 8SR  
**Parish, or Ward if within Winchester City:** St Bartholomew  
**Applicants Name:** Staple Chambers Developments Ltd  
**Case Officer:** Mr Andrew Rushmer  
**Date Valid:** 4 November 2010  
**Site Factors:** Winchester Conservation Area  
Air Quality Management Area  
Civil Aviation  
Conservation Area  
**Recommendation:** Application Permitted

**General Comments**

This application is reported to Committee because of the number of objections received (in total there were letters of objection from 22 different addresses).

The proposal does not require an Environmental Impact Assessment. This type of development is within Schedule 2, but the site is not in a sensitive area as defined by Circular 02/99, and does not meet the thresholds outlined in Schedule 2 for this type of development.

Amended plans were received on the 6<sup>th</sup> of June, which reduced the height of the building by one storey, and made changes to the design of the building in terms of elevational treatment and roof form. In addition, the number of units was reduced by one unit and the parking arrangements were slightly altered.

**Site Description**

Staple Chambers is a 2-storey office building dating from the 1960s and is of red brick construction with a flat roof. The building is set back approximately 8.8 metres from the site boundary providing a parking forecourt to the front and there is a semi-mature Whitebeam tree adjoining the pavement. There is an additional parking area to the south and to the rear. The site is located on the western side of Staple Gardens.

The existing office building at Staple Chambers is considered to be of no architectural merit and detracts from the architectural and historic character of this part of Winchester Conservation Area.

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Bilberry Court, to the south of the site, was developed in the early 1980s and is a 2, 3 and 4-storey housing development that extends west from Staple Gardens towards Tower Street. It is built from red brick with a gabled and hipped roof form rising in height towards Tower Street.

Belgarum Place, to the north of the site is an office and residential scheme that was built approximately five years ago and covers a large area between Staple Gardens and Tower Street. The largest block on Staple Gardens is brick built and rises from 3 to 4 storeys with a further zinc-clad storey set back behind a parapet. The bay immediately adjacent to Staple Chambers steps down to 3 storeys and has a white render finish with projecting balconies to 1st and 2nd floor.

The buildings opposite the site include the Atrium, a 2 to 3-storey brick warehouse building that has been converted to a night shelter for homeless people; Staple House, a 3 1/2-storey 1980s office building; and Star Lane House; a 3-storey gable fronted 1980s office building.

To the south of Bilberry Court and the Cross Street junction of Staple Gardens, the street narrows towards the Upper High Street and is mainly residential on the west side with a mix of business and residential on the east. The buildings are mostly 19th century and increase in scale and height approaching Upper High Street, rising from 2 to 3 storeys. This part of the street has a fine urban grain that is made more interesting by a series of lanes, mews and yards with passages connecting through to Jewry Street.

To the north of the site on the eastern side of Staple Gardens (opposite Belgarum Place) is a high flint boundary wall, which runs a considerable length enclosing the recently extended Discovery Centre on Jewry Street. Originally built as the Corn Exchange in 1838, the building became a cattle market and then library and is Grade II\* listed.

## **Proposal**

The proposal involves the demolition of the existing building, and the erection of a new mixed-use office and residential building which is three storeys high along the frontage, with a set-back fourth storey. The proposed building is sited closer to the street than the existing building but set back 1.8 metres from the pavement behind a low wall and railings.

The front elevation is arranged in three 6 metre wide bays with a further bay set back behind a proposed tree. The ground floor provides office accommodation with glass doors to the front 3 bays, and blue engineering facing brick provides a plinth to the rest of the building. On the south recessed bay, timber slats are used to screen 3 car parking spaces.

The building design incorporates photovoltaic cells at roof level, triple glazing, mechanical ventilation recovery units and a sedum roof to the carport to encourage biodiversity.

The density of the proposed development is approximately 133 dwellings per hectare, (to put this in context, this is less than Belgarum Place, the density of which is approximately 153 dwellings per hectare).

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**Relevant Planning History**

**86/01591/OLD** - Display window and fascia. PER 15th May 1986.

**86/01592/OLD** - Felling of tulip tree. PER 17th December 1986.

**89/01244/OLD** - Second floor office extension. WDN 3rd March 1989.

**89/01245/OLD** - Demolition of roof. PER 3rd May 1989.

**Consultations**

The Head of Historic Environment originally objected to the proposal on the grounds of inappropriate scale, height, massing and materials.

However, in the light of the amended plans this objection was withdrawn. More specifically, the Head of Historic Environment stated that the recent re-modelling and setbacks now comply with the previous recommendations and will help the new building to connect between the different building heights on either side of the site.

In addition, it was stated that a simpler, less heavily modelled façade is now proposed, and that as a result the revised design would integrate the new building satisfactorily with its context. The alignment of the building was also considered to be appropriate.

The Council's Drainage Engineer raised no objection to the proposal.

The Environment Agency stated that they have assessed the proposal as involving low environmental risks, and therefore have no objections to the proposals as submitted

The Head of Environmental Protection raised no objection to the proposal, but did request a number of conditions requiring further information in respect of potential contamination of the site (please see conditions 7-9).

The Council's Arboricultural Officer has raised no objection to the proposal. More specifically, he has stated that 'the tree onsite is not a particularly important tree in the local area. It has little potential and would certainly not be worthy of a Tree Preservation Order. Its loss would not be detrimental to the visual amenity of the area and so it need not be considered a constraint for this development proposal.'

Southern Water raised no objection to the proposal, but recommended the imposition of an informative in respect of future connection to the foul sewer.

Archaeology – trial pits and considerable analysis has been conducted, though final clarification is still pending. The final response and conditions will follow on the update sheet.

Hampshire County Council Ecology raised no objection to the proposal, and stated that, considering the location of the site and the nature of the building to be lost, there are no particular concerns regarding this application and the proposed sedum roof is welcomed as it represents a biodiversity enhancement.

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The Head of Estates stated that there is currently a surplus in office supply in Winchester at the moment, and that this situation is unlikely to change significantly in the short-term. However, he felt that the applicant may be able to get a slightly higher return on the office accommodation that the applicant expected. In addition, he advised that overall he could see how a 'mixed-use' proposal was the best way forward in the current economic climate, but did question whether the fifth storey was necessary based on the information presented.

The Winchester and Eastleigh Design Review Panel raised some concerns about the original submission. In particular, they questioned whether sufficient space was being afforded for a replacement tree. In addition, they were concerned about the form and articulation of the building, and felt that it was somewhat oppressive and that the 'stepping' should be reconsidered. In addition, they recommended that a consistent parapet be employed. The Panel did however consider that the materials proposed were generally acceptable.

The Highway Development Control Engineer raised no objection to the proposal. More specifically, he stated that: 'mindful, of the central location of the application site in an area of high accessibility the proposed car parking arrangements are considered to be acceptable. In addition, he stated that this proposal does not contain any significant highway issues and is unlikely to impact on highway safety. He also requested a financial contribution of £32505 in respect of Hampshire County Council's Highways Contribution Policy. In addition, he stated that he had no objection to the amended plans.

**Representations:**

City of Winchester Trust:

In relation to the original plans submitted the City of Winchester Trust commented that the level of sustainability seems higher than most other developments of a similar type, which was very much welcomed. In addition, the Trust stated that the general reaction of those at the presentation was favourable, and it was felt that the scheme would add interest to the street scene of Staple Gardens. The fact that the positions of TV, satellite discs and burglar alarms were to be prescribed as part of the application was also welcomed. Concerns were however raised about the maintenance of the flat roofs. In addition, they stated that all agreed that the two new trees on the Staple Gardens frontage would greatly benefit the street scene, but it was felt essential to ensure that the species chosen wouldn't grow too large in future years and become detrimental to the residents' outlook. The Trust also referred to the need to ensure a high standard of detailing.

In relation to the amended plans, the City of Winchester Trust stated that everybody on their panels thought that the amended scheme, with its reduced height, would fit well into the street scene, and it was also felt that the use of buff bricks would help to lighten the somewhat gloomy character of the street. They also reiterated their welcoming of the high level of sustainability and prescribed siting of TV, satellite discs and burglar alarms. In addition, they stressed again that it will be important that a high standard of detailed is ensured for an innovative scheme such as this. However, they did express concern that although bringing the building forward towards the road might be better for the street scene, it would also have the unfortunate consequence of shading the Belgarum Place balconies with a southern aspect, and it is suggested that this northern corner of the new building should be drawn back a little to allow the balconies to receive the sun that was

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expected in the original design of the older development.

19 letters of objection were received (from different addresses) in relation to the originally submitted plans, stating the following reasons:

- Overdevelopment of the plot;
- Height, scale, massing and alignment of the proposed building;
- Overshadowing and loss of light in respect of the podium in the centre of Belgarum Place;
- Does not relate satisfactorily to surrounding built form;
- The design is 'misconceived and out-of-keeping, in particular the 'beachside balconies', which will also provide viewing platforms to watch pedestrians on Staple Gardens;
- The existing Belgarum Place development does not provide a precedent for the proposed building;
- Negative impact on neighbouring properties (including: overshadowing and blocking views from neighbours balcony; overshadowing units 65-70 Belgarum Place; overbearing impact on number 65 Belgarum Place; overlooking of 65-70 Belgarum Place);
- The proposal will cause loss of light, and the Local Planning Authority should request a independent report of the subject;
- Loss of the tree;
- Lack of parking provision and resultant contribution to parking problems in the area;
- The new building will obviate the existing spacious feel of the area, and make the street feel overly enclosed and oppressive;
- The site should remain office/commercial as opposed to residential;
- Viewing sub-committee essential in order to appreciate the impacts of the proposal;
- The applicant has failed to justify the need for the provision of 1 and 2 bedroom flats;
- Proposal makes no provision for play or amenity areas;
- The replacement building will generate a greater number of vehicle movements than the previous building;

11 letters of objection were received in respect of the amended plans (and also four letters outlining concerns but not formally objecting). The following reasons were stated:

- Restating previous objections;
- The proposal is still excessive in terms of scale and massing, and remains over-development of the plot;
- The revised proposal fails to make a positive contribution to the conservation area, and hence does not meet the requirements of Planning Policy Statement 5.
- The proposal fails to respect the existing building line;
- Loss of light and invasion of privacy in relation to the neighbouring property (flats above office at 17a).
- Reduction in natural light to office at 17a;
- Noise and smell from the bin store;
- Location of bin store;
- Difficulty in removing bin stores and moving them to the front of the building;

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- Route for bin removal involves trespassing onto land which is part of Belgarum Place;
- Side windows too close to the air-conditioning units;
- Railings to the front are not required;
- Bench and seating area to front is inappropriate and may become a meeting point for non-residents and have a consequential impact in terms of noise and litter;
- The steps at the front of the building can only be accessed by crossing Belgarum Place land;
- Brick colour should be same as other developments in the street;
- The proposal will still make the podium area even more slippery and hazardous in winter;
- The proposal will exacerbate parking problems in the area;
- Increased floor area of flats resulting in reduction in driveway and access;
- Concern about impact upon views, daylight and privacy levels at Bilberry Court;
- Insufficient time to comment in relation to the amended plans;
- Inadequate public consultation exercise by the applicant;
- Proposal provides inadequate recreational and amenity space;
- The Council should have imposed a more significant financial contribution levy on the applicant.

**Relevant Planning Policy:**

South East Plan 2009:

H4, H5, NRM5, NRM11, M1, BE1, BE6.

Winchester District Local Plan Review 2006

DP1, DP3, DP4, DP9, DP13, HE1, HE4, HE5, H3, H7, E2, SF2, RT4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS 4 Planning for Sustainable Economic Growth

PPS 5 Planning for the Historic Environment

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

PPG 16 Archaeology and planning

PPS 22 Renewable Energy

PPS 23 Planning and Pollution Control

**Planning Considerations**

Principle of development

Policy E.2 of the Winchester District Local Plan Review 2006 states that proposals involving the loss of existing employment sites will only be permitted where the need for the proposed development outweighs the benefits of retaining the existing use. This application does not result in the loss of an employment site (although the amount of employment space is being reduced), and hence is consistent with the requirements of this policy. The Head of Estates has also stated that a mixed-use development represents the best way forward for this site. In addition, the quality of the office accommodation is being improved, and the reduction in floorspace is considered to be justified. Furthermore, the provision of commercial floorspace at ground floor level achieves compliance in relation to policy SF.2.

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The proposal also complies with the requirements of Planning Policy Statement 3, in that it involves the use of previously developed land, makes efficient and effective use of land, provides high quality housing and takes the opportunity available to improve the character of the area and provides a good mix of housing.

In addition, Planning Policy Statement 1 and urban design guidance such as the Urban Design Compendium promote mixed-use development. It is considered therefore that a mixed-use development is an appropriate approach to the redevelopment of this city centre site.

In terms of housing mix, only 2 of the units are under 75 square metres, however, 2 more are 76 square metres, two more are 79 square metres, and 2 more are 80 square metres. Given the minimal differences between these figures and the requirements of policy H7, and in the light of the Council's Aspirational Policies in relation to housing mix, it is considered that the proposal is acceptable in this regard. This is especially so given that an Inspector has previously determined that units of 81 square metres were consistent with the requirements of policy H7 (06/01710/FUL – APP/L1765/A/06/2024946, 22<sup>nd</sup> January 2007).

Design/layout

It is considered that the proposal is satisfactory in terms of design and scale, and preserves the character and appearance of the conservation area, and is hence in accordance with the requirements of s.72 of the Planning (Listed Building and Conservation Areas) Act 1990, policies DP3 and HE5 of the Winchester District Local Plan Review 2006 and Planning Policy Statement 5.

In terms of height and scale, the amendments have removed a whole storey from the building, and the proposal now has a consistent parapet height (in line with the recommendation of the Winchester and Eastleigh Design Review Panel). The overall height of the gabled roof is lower than Belgarum Place and of similar height to Staple House and Star Lane House directly opposite the site. The gabled roof provides an articulated roof form that respects the city's roofscape but is executed in a contemporary way that is considered to add vibrancy to the design.

In addition, the front elevation has been designed in order to provide 4 bays which echo traditional plot widths found throughout the walled town. The southern-most bay has been designed in order to utilise a different architectural language, in order to give it a lighter character, with the result that it smoothes the transition down to the smaller scale nature of the street scene to the south.

In terms of alignment, the Head of Historic Environment considers that it is appropriate to bring the front of the new building further forward than the existing building, as is proposed. Furthermore, the character of the street is largely defined by frontage development hard up to the pavement edge. In addition, historically, the old maps of the site illustrate that the building(s) which preceded Staple Chambers were clearly also hard up to the pavement edge. Therefore, it is considered that the location of the building within the plot is a logical and reasonable design approach, and constitutes a successful compromise between restoring the continuity of the frontage, whilst also allowing some planting to slightly soften the development's street frontage.



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In terms of materials, whilst the Head of Historic Environment has stated a preference for red brick, he has also refers to the fact that there is no consistency of red brick in neighbouring streets, and yellow brick is seen in close proximity to the site, so the proposed materials would not be out of keeping with the wider character of the Winchester Conservation Area.

In terms of more general urban design points, the existing site layout is generally weak in urban design terms, with poor delineation of space, which is very much at odds with the pervading urban grain of the rest of the street, and indeed most of central Winchester (due to the historic development of the area). The location of the existing parking along the frontage also has a negative visual impact in the locality, as it undermines the goals in urban design guidance of providing enclosure, active frontages, and continuity of frontage. The proposed redevelopment however is considered to be a major improvement in urban design terms, and overcomes the weaknesses associated with the existing development. In relation to the replacement tree, there are numerous examples of the way in which even small trees can incorporate variety and provide considerable softening of the street frontage. Therefore, it is considered that the loss of the existing tree is comfortably outweighed by the considerable benefits of the proposed scheme when viewed from an urban design perspective.

The use of railings also employs the theory of defensible space, which is a well established means of regulating the use of space in urban areas, particularly in localities where crime is an issue (whilst this is not a comparatively high crime area, there were still 4 recorded crimes on Staple Gardens in April 2011 – [www.policy/uk](http://www.policy/uk)). Therefore, it is considered that this element is not objectionable.

A condition has also been recommended for imposition in respect of the detailing of certain important aspects of building (please see condition 6 in the list of recommended conditions below).

Overall therefore, the building, by virtue of its scale, design, siting and materials, is considered to be appropriate for this site and would preserve the character and appearance of the area.

Impact on the residential amenity of neighbouring properties

It is considered that in terms of impact on the residential amenity of neighbouring properties the proposal will be in accordance with the requirements of policy DP3 of the Winchester District Local Plan Review 2006, although it is acknowledged that the development will impact upon adjacent residential properties.

In relation to the properties to the rear (65-70 Belgarum Place), these are already overlooked by their neighbours (all of which have large windows in close proximity to the courtyard gardens), and Bilberry Court opposite. Therefore it is considered that the proposal will not materially worsen the existing situation in respect of these properties, especially as several of the proposed windows have been titled away from the gardens of numbers 65 – 70. In terms of loss of light, the light study submitted with the amended plans, states that in relation to the properties themselves (namely numbers 65-70):

‘... the proposed new scheme will have no adverse effect on any of the windows except in a second floor bedroom of 65 Belgarum Place where there is no loss of summer sun but a marginal reduction in winter sun.’

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In addition, the shadow diagrams indicate that whilst there will be some additional overshadowing of garden areas, this will only be in the morning, and it is considered that this will not be sufficient to justify refusing the application. Notwithstanding the light study in the application submission, officers have in any event considered the likely impact of the proposal on the properties in Belgarum Place and, given the orientation of the site and the proposal is only likely to have any real effect on in the morning as, by noon, the sun will have tracked around the proposed building.

It is also considered that any impact on the neighbouring premises should be weighed against the benefits of permitting the proposal, especially as from an urban design perspective any replacement building on this site will need to related, to a certain extent, to the scale of neighbouring development, including the 5-storey Belgarum Place building next to the site. In addition, it is also considered pertinent that in an area defined by a fairly tight urban grain, some level of loss of light is often unavoidable when sites surrounded by housing are redeveloped. As a result, whilst it is acknowledged that the development will have some impact upon units 65-70 Belgarum Place, in this city centre context, it is considered that the effect would not, on its own, justify refusal.

In terms of impact of the scale of the new building on numbers 65-70, the Bilberry Court development (which ranges from 2 to 4 storeys in height) is already fairly imposing when sitting in the courtyard gardens, as are the neighbouring properties in the case of the house at the eastern end of the row (as these are themselves three storey buildings). In addition, the gardens to the western end of the row are in close proximity to the properties on Tower Street, which are three-storey, but the equivalent of four with the change in levels. The case officer has also viewed the site from several of the rear gardens of 65-70 Belgarum Place, and it is considered that the physical presence of the building, whilst having some effect upon their amenities, will not be unacceptable given the city centre context of the site.

In respect of the existing flats to the north of the site, it is considered that the impact on those properties would not constitute a reasonable reason for refusal. The occupant's loss of view down the street is acknowledged. However, it is well settled in case law that loss of view is not a planning consideration which can be used to support refusal or permission. Furthermore, in this case, the occupants would still retain their views straight out on to Staple Gardens (and beyond in the case of number 61 Belgarum Place), and this means that their amenity would be essentially the same as the rest of the balconies running along the Belgarum Place block running to the north of the site, as all those balconies are inset. The proposal will restrict light to the south facing windows, however, these windows are fairly small openings, one of which is a secondary window serving a lounge, and the other is a high level window serving the kitchen and bathroom. Therefore, it is considered that permitting the proposal will not unacceptably alter the level of natural light enjoyed by these properties. In addition, in this instance it is also relevant to consider that, as with the view from the balconies, the loss of direct sunlight to these windows would still leave these properties in the same position as the majority of the other units in the Belgarum Place block running to the north of Staple Chambers.

In relation to Bilberry Court, as these are orientated to the north there should be no materials loss of light in respect of these properties. In addition, the elevation facing Bilberry Court has been given as light a treatment as possible, in particular through the use of render, in order to reflect light towards those properties. The number of windows

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looking toward these properties has also been reduced as far as possible, and will not be out of character with the locality, where due to the tightness of the streets a certain amount of overlooking is common place.

Given the scale and location of the carport it is considered that this will have a negligible impact on the residential amenity of neighbouring properties.

Landscape/Trees

The Council's Arboricultural Officer has assessed the existing tree on the site, and considers that the tree is not worthy of a Tree Preservation Order and hence should not be protected. However, a small tree has been proposed at the front of the site, and as has been referred to above, this will still provide some softening of the street scene.

Highways/Parking

The Council's Highways Engineer has raised no objection to the proposal, and given the extremely accessible/sustainable location of the site, the proposed parking levels are considered to be acceptable.

10 parking spaces are proposed, which is a higher ratio than is found at Belgarum Place, where 46 spaces were provided for 69 units (none of the one bedroom units have parking in that development).

Sustainability

The building construction method is proposed to be a factory based timber frame system. This has considerable benefits from a sustainability perspective in terms of both the quality of the end product (principally in relation to air-tightness/insulation) and nature of the construction process (which is much more efficient, and involves less traffic movements etc). This construction system also incorporates factory fitted triple glazed windows and should facilitate the achievement of Level 4 in relation to the Code for Sustainable Homes.

In addition, solar panels are proposed on the south facing roof slopes and a sedum roof over the car parking area. The number and appearance of the solar panels is subject to a condition which has been included within list of recommended conditions below (please see condition number 5).

Other Matters

The resident's bin store has been subject to considerable comment in the letters of representation received. As there does appear to be some potential difficulties which could be presented by the proposed arrangements (in terms of space and ownership) a condition has been recommended (please see condition 4 below) requiring final details of the bin storage be agreed in writing by the local planning authority before development commences and hence, with some internal alterations the bin and cycle store can be swapped over if this does indeed become necessary. As this matter is considered to be capable of being adequately addressed by condition it would not constitute a reasonable reason for refusing the application.

The potential for the bench at the front to become a focus for non-residents to congregate, as well as being a source of noise generation and litter is not regarded as being a reasonable reason for refusal on its own, especially as the existing frontage has potential in that regard due to its large open areas to the front and rear.

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The application was submitted prior to the adoption of the Council's Aspirational Policies, and hence it is not required to accord with these policies.

The applicant's public consultation arrangements are not material to the determination of the application, and the Council's own publicity arrangements comply with the requirements of the General Development Procedure Order 1995.

Whilst concerns have been raised about bats, this issue has been assessed by Hampshire County Council Ecology, and they have raised no concern about the proposal.

It is considered that, given the central location of the site, there is no need to require the provision of private amenity space for the proposed flats, especially given that the proposal is consistent with many properties in the vicinity in this regard.

In relation to the concerns about the podium, given the location of the building in relation to the podium, the raised nature of the podium, and the indicative information provided on the shadow diagrams, the proposal is expected to have a modest and acceptable impact on this area.

The potential contamination of the site is addressed via conditions 8 – 10 in the list of recommended conditions.

Concern has been raised by local residents about the proximity of the side windows of the proposed development to the air conditioning units. However, it is not considered that these would constitute a reasonable reason for refusal, as any future purchaser will be aware of their existence, and should they become problematic in the future (due to malfunctioning for example) occupants may be able to rely on other legislation (such as the Environmental Protection Act 1990) in order to seek remedy.

The resolution to grant is subject to financial contributions being received in relation to policy RT4 of the Winchester District Local Plan Review 2006 (£17864), and policy DP9 (£31340).

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for £17864 (open space) and £31340 (Highway Contribution Policy), 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.

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**Recommendation**

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

- 1. A financial contribution of £31340. towards highway improvements**
- 2. A financial contribution of £17864 towards the provision of public open space through the open space funding system**

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

**Conditions**

1 The development hereby permitted shall be begun before the expiration of three 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 (as amended).

2 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development (including windows and any hard surfacing) 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.

3 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.

4 Notwithstanding the plans submitted, the location of the bin store is to be agreed in writing by the local planning authority prior to the commencement of development and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

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5 Notwithstanding the plans submitted, the exact number and type of solar panels are to be agreed in writing by the local planning authority prior to the commencement of development and the development shall be carried out in accordance with the approved details and retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area

6 Prior to the commencement of development, detailed drawings at 1:10 scale of external windows, balconies and roof verges (including eaves details) are to be agreed in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area.

7 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 LPA:

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.

8 Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provision of E110c) 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 conditions E110c) 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.

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9 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.

10 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 and turning of vehicles.

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

11 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to ensure that the building has an acceptable impact on the street scene, and the residential amenity of neighbouring properties.

12 Prior to the commencement of development, details of railings, and any other means of enclosure, are to be agreed in writing the local planning authority, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, no development permitted by Class A of Part 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

**Informatives:**

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.

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

South East Plan 2009:

H4, H5, NRM5, NRM11, M1, BE1, BE6.

Winchester District Local Plan Review 2006:

DP1, DP3, DP4, DP9, DP13, HE1, HE4, HE5, H3, H7, E2, SF2, RT4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPG 4 Planning for Sustainable Economic Development

PPS 5 Planning for the Historic Environment

PPS 9 Biodiversity and Geological Conservation

PPG 13 Transport

PPG 16 Archaeology and planning

PPS 22 Renewable Energy

PPS 23 Planning and Pollution Control

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection points for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH, Tel 01962 858688 or [www.southernwater.co.uk](http://www.southernwater.co.uk).

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 substantiated by the Health and Housing Service, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.