

## **THE AVAILABILITY OF BACKGROUND PAPERS**

In deciding what recommendation to make on the following application, the Head of Planning Management at Winchester City Council has had regard to all documents contained in the application file. The following list specifies the categories of documents which may be found on such a file and which will be background papers \* although in any particular case there may be no documents in that category.

1. Application form, required certificates, plans and drawings (including any amended plans and drawings).
2. Correspondence between the Planning Department and the Applicant or the Applicant's agents.
3. Correspondence, including correspondence between the Planning Department and other departments of the Council or other Authorities.
4. Notes of site visits, meetings and discussions.
5. Representations received from any party.

\* Background papers do not include documents which contain e.g. confidential material and which constitute "exempt information" under the Local Government Act 1972.

Background papers may be inspected prior to the meeting to which this report is made and for 4 years thereafter beginning with the date of the meeting.

## **THE STATUS OF OFFICER RECOMMENDATIONS**

Members of the public are reminded that;

- The recommendations contained in a report are those made by the officers at the time the report was prepared. Circumstances may cause a different recommendation to be made at the meeting.
- The officers' recommendations may not be accepted by the Committee.
- A final decision is only made once Councillors have formally considered and determined each application.

### **Recommendation codes**

REF = Refused      PER = Permitted      LEG = Permitted, subject to legal agreement

## **THE HUMAN RIGHTS ACT 1998:**

Please note that the Human Rights Act 1998 makes it unlawful for the Council to act in a way incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise.

In arriving at the recommendations to grant or refuse permission, careful consideration has been given to the rights set out in the European Convention on Human Rights including Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination in enjoyment of convention rights) and Article 1 of the first Protocol (the right to peaceful enjoyment of possessions).

The Council is of the opinion that either no such rights have been interfered with or where there is an interference with the rights of an applicant or objector, such interference is considered necessary for any of the following reasons:-

- ◆ The protection of rights and freedoms of others
- ◆ Public safety
- ◆ The protection of health or morals
- ◆ The prevention of crime or disorder
- ◆ The economic well being of the country.

It is also considered that such action is proportional to the legitimate aim and in the public interest.

**Item No:**  
**Case No:** 13/02843/FUL / W19499/27  
**Proposal Description:** (AMENDED PLANS) Residential development comprising 103 no. dwellings with associated on-site infrastructure  
**Address:** Land At Old Park Farm Wimpey Site Part Of West Of Waterlooville MDA Hambledon Road Denmead Hampshire  
**Parish, or Ward if within Winchester City:** Denmead  
**Applicants Name:** Taylor Wimpey UK Ltd  
**Case Officer:** Mrs Jill Lee  
**Date Valid:** 20 December 2013  
**Site Factors:**

River Bank Top  
County Heritage Site  
Contaminated Land Consultation  
Water Course Centerline  
Overhead Power Line

**Recommendation:** Application Permitted

### **General Comments**

This application is reported to Committee because it constitutes development within the West of Waterlooville Major Development Area and is therefore reported to this joint committee for a decision.

It is also reported to joint committee because of the number of objections received.

### **Site Description**

The application site is approximately 2.75 Hectares of land within the West of Waterlooville Major Development Area. The site currently has approval for employment land but has not been developed in any way yet and is rough grassland. There are some overgrown hedgerows crossing the site. The site is bounded to the north by Main Avenue, to the east by Main avenue and Old Park Farm stream and the green corridor which runs along side it. To the south west is the recently constructed Household Waste Recycling Centre. The site is relatively level with no particular features.

Phase 3 of the Taylor Wimpey part of the MDA development is currently under construction on the opposite site of the Main Avenue to the east.

The application site falls wholly within Winchester City Council's administrative area.

### **Proposal**

It is proposed to develop the site for residential use and provide a fifth phase to the development comprising 103 dwellings with associated on site infrastructure. The proposed development would equate to approximately 37 dwellings per hectare. The proposal is for entirely residential properties including 40% affordable. The development layout and appearance echoes that already developed on earlier phases and is in general accordance with the approved Design Codes.

## **Relevant Planning History**

Outline planning permission reference 05/00500/OUT for the development of land for residential (450 units); live/work (24 units); employment (7.1 ha including B1, B2 and B8 and a Household Waste Recycling Centre), mixed use including retail, food and drink, financial/professional and health; open space/recreational purposes and the construction of two accesses from Hambledon Road (OUTLINE) was granted planning permission on 4<sup>th</sup> January 2008 subject to a S106 agreement. This permission established a planning consent for the application site to be used as employment land.

## **Consultations**

### Urban Design:

Some initial concerns raised regarding the layout, surveillance of parking areas, amount of hard surfacing and outlook for some units. These concerns have largely been overcome through the provision of amended plans, improving the layout, landscaping, materials, outlook for some dwellings and street scene matters in general.

### Engineers: Drainage:

No objection to the application and no conditions required.

### Environmental Protection:

There are concerns regarding the potential for noise disturbance to the future inhabitants from the nearby waste management site to the south of the proposed development particularly as the site operates 7 days a week.

In addition it is noted that the area to the west of the development site is designated as category B1 development. The close proximity of residential development to the proposed B1 use may have an adverse affect on the future development of that land as there may need to be future restrictions regarding noise, dust, light, hours of use and so on.

There are some concerns regarding the submitted acoustic report (ref SA-2938) and it does not appear that the 'worst case scenario' has been fully examined. However the methodology and conclusions that the noise from the waste management site can be effectively mitigated by a combination of acoustic bunding, glazing specification and mechanical ventilation recommend in the report to produce a reasonable noise level at the nearest dwellings is not contested. To demonstrate compliance with the latest British Standard on noise levels for residential dwellings further noise reports are required before the dwellings are inhabited to ensure that the noise levels have been met. It is recommended that two conditions are imposed to require a noise validation report (condition 10 ) and a construction management plan (condition 11 ).

### Head of Historic Environment:

No objection to the application subject to condition (no.2). The on site archaeological fieldwork has been completed within the Taylor Wimpey site, in accordance with a Written Scheme of Investigation previously submitted to and approved by both local planning authorities under the outline permission. This comprised of archaeological evaluation and subsequent archaeological excavation within two areas. The subsequent programme of post-excavation analysis and reporting (publication) has yet to be fully completed. A draft report on the results of the archaeological mitigation works has been received and commented upon, but a revised report and publication proposals has yet to be received. As such, the A010 condition placed upon the outline consent has yet to be fully discharged. As the required on site archaeological mitigation works have been completed within the Old Park Farm Wimpey site, there is no objection to the proposals relating to this phase of the development, as the outstanding archaeological (post-excavation) work

is secured by the extant archaeological condition placed upon the Outline consent. (It should be noted that as this is a full application not a details in compliance with the outline the condition has had to be re-imposed, condition 2).

#### Head of Landscape:

Figures 15 & 16 in the Design & Access Statement – ‘Public Realm Principles’ and ‘Public & Communal Private Spaces’ both explain and illustrate the proposed layout of the site. The public realm is clearly defined and distinguished from the semi-private parking courtyards creating a legible hierarchy.

It is proposed that there will be four new spaces as follows:

1. Transitional Green: in the north west of the site, a generously sized and well overlooked landscaped open space in front of plots 482 – 488 which will consist of grass with a perimeter of Hazel trees making for a pleasant visual amenity. The right trees have been selected for this space but according to the engineering drawing (MJA Consulting – Drainage Layout – 4858:01 Rev A) there is a possible conflict with a proposed foul sewer beneath the line of trees.
2. Central Square: is really only a ‘traffic calmed’ road junction with a space for a tree. However the tree will be a substantial purple maple which will make a significant contribution to character and appearance being located on a corner.
3. Community Green: is a bigger green space which has the capacity to accommodate some low-key use and a more significant tree and shrub planting scheme. This will include both an Oak tree, Birches and Field Maples. N.B. Attention will need to be given to the design of any building foundations in the vicinity of proposed Oak trees. The green is open to the south and will provide a soft interface with the Stream Corridor open space.
4. Crescent Green: a very significant green space similar to the Crescent already constructed. This space will need additional tree planting proposals to mirror the scale of the built form and to form an appropriate ‘gateway’ when travelling from the south.

#### Landscaped Bund

The other significant landscape feature of the site is the proposed ‘Acoustic Bund’. This is intended to be a substantial buffer in order to mitigate the impact of the employment land on the adjacent houses. It is proposed that the bund will be heavily planted with native trees and shrubs. However, planting on bunds is a specialist area and we will need to see details of the construction of the bund. The foot of the bund is proposed to be planted with a native shrub hedge where it abuts the new houses. This is an important feature which will need to function to prevent unauthorised access to the rear of the properties next to it. I would suggest that the proportion of Hawthorn in this mix is increased for this reason.

Subsequent to these comments a meeting was held and further information and a revised landscaping layout submitted. This revised layout has attended to the issues raised apart from the bund details which have been covered by condition 9.

#### Head of Strategic Planning:

Policy SH2 in the WLPP1 sets a housing target of ‘about 3,000 dwellings’ therefore an

additional 103 dwellings would be consistent with this policy. The policy also requires the site of a whole to deliver about 23 ha of employment land.

It is noted that even with the loss of this employment land with the remaining employment land at Old Park Farm together with the 17 ha of employment land plus the mixed use area on the Grainger site this target is still broadly achievable. Furthermore the Council's own recent evidence studies into employment floor space confirms the applicants assertions that significantly less floor space is required to create the level of jobs envisaged when the MDA was first proposed.

It is also confirmed that West of Waterlooville is not considered a strategic site by the Solent Local Enterprise Partnership, so its role is mainly to meet local employment needs, the wider sub-regional needs being met at Dunsbury Hill Farm. Policy CP9 is therefore applicable in considering whether this land should be retained for employment uses.

While access and compatibility with adjoining land uses make it an ideal employment site, the site does not meet a specific local employment requirement; it has been clearly demonstrated that there is no local demand; and there will be tangible benefits arising from the additional 41 affordable houses this proposal generates, 29 of which will be offered for rent. Therefore it is considered that this proposal is in accordance with Policy CP9 and is also consistent with the National Planning Policy Framework (para 22) which urges local authorities not to hold on to the employment land where there is clearly no demand for that use.

As the applicants set out in their planning statement this application being a new applications rather than a reserved matters application should comply with Policy CP11 in respect of energy efficiency (it is noted that they are compliant with the policy in respect of water consumption). The reasons given by the applicants for non-compliance are that it is not viable or practical, and it is for them to demonstrate beyond any reasonable doubt why they cannot comply with the policy requirements.

Policy SH 2 also sets out the requirement that the additional houses would need to ensure that there are sufficient primary school places in the proposed schools to meet the increase in child population; otherwise a financial contribution should be sought, along with contributions towards any other physical or social infrastructure requirements triggered by this development.

#### WCC highways:

This application seeks full permission for the development described above, details of which are shown on the submitted layout plan (drg. No.UP00029-2-1).

The proposed car parking numbers are in accordance with Winchester City Council's Residential parking standards and the spaces in general are located within close proximity and convenient to the dwellings they are intended to serve. Cycle parking will either occur in garages or storage sheds in the rear garden areas. Typical swept path turning movements for a 11.2 metre long refuse freighter have been provided and are considered acceptable. The permitted use of the site is for employment purposes and that this would have resulted in a greater trip generation than the proposed residential use. The retention of the unallocated spaces requires a condition (number 8).

### New Homes Delivery Team.

The plans have been revised in the light of comments made on the original layout. The three bedroom flats over garages have been replaced with two bedroom units and this is now acceptable in terms of affordable housing requirements. The provision of three bedroom flats was resisted as it would be family accommodation and without the benefit of garden areas.

The access to plot 554 has also been amended to take on board comments and the access is now from the south as requested.

The cluster to the west of the site has the maximum number of affordable homes recommended in one area.

### Environment Agency:

Following the submission of an acceptable Flood Risk Assessment we have no objection to the development as submitted.

### Natural England:

No objection to the application. Development unlikely to affect any statutorily protected sites or landscapes.

### Highways Agency:

No objection to the application.

### Southern Water:

No objection to the application. The applicant will need to enter into an agreement with Southern Water to increase capacity to accommodate the development.

### Portsmouth City Council:

No comments to make on the application.

### Hampshire Constabulary:

No objection to the application. Some comments regarding the position of gates, ability to lock gates and lighting to the car parking areas. These matters have largely been addressed by the applicants in the amended plans.

### East Hampshire District Council:

No objection to the application.

### Ecology:

The area covered by the ecological survey does not appear to relate exactly to the site area. The western/south western section of the site is outside of the survey boundary. As such, further information is required regarding the nature of the entire site (and its surroundings). At least part of hedge H3 and possibly part of H2 are within the site boundary, not bordering it as suggested.

Some information regarding reptile potential of the site, and measures proposed to avoid impacts to individual animals, is set out within the report. It is understood that some reptile fencing is in place on or near the site already, and that the proposal site itself does not extend to the Old Park Farm Stream. Between the watercourse and the development, landscaping is proposed along the watercourse corridor, my understanding being that this

will be provided through a different application within the wider site. Clarification is sought regarding a) the potential of the site to support reptiles considering the actual proposal site boundaries and area of construction impacts, b) the location and state of existing reptile fencing in relation to the site boundary and whether this, or new fencing, is proposed, either inside or outside the site, c) whether or not the Old Park Farm Stream corridor containing reptile habitat has been completed already, d) whether in addition to reptile fencing of the watercourse corridor area (i.e. southern boundary of the site), additional construction measures such as temporary construction fencing are required in order to protect the existing or newly created habitats of the watercourse corridor - the same applies to other boundaries, and e) in light of the above, details of exact measures required relating to reptiles, including phasing, direction of habitat clearance, timings of works etc.

In relation to the above, clarification is required regarding other construction measures are required relating to protection of existing habitats such as the watercourse itself. The report recommends that bird boxes are incorporated within the final scheme to provide compensatory nesting opportunities. Details of measures which will be implemented (not just recommendations) should be provided, and these should include measures above and beyond mitigation and compensation, to demonstrate that ecological enhancements (in line with the requirements of NPPF) will be provided as part of the scheme.

I believe that due to historic survey findings, dormice have not previously been considered on developments within this area of the wider site. In relation to the development on the Berewood area of the West of Waterlooville site, recent surveys have identified dormice as using the vegetation along the River Wallington, just to the east of the join of the River Wallington and the Old Park Farm Stream. This is approximately 400 m from the proposal site boundary. Consideration of the potential for dormice to be using the vegetation on the site, and to be impacted by the proposals (which include removal of hedgerows), is therefore required.

#### Hampshire County Council Highways:

##### **Trip Generation**

A comparison of the expected trip generation between the permitted employment use and the proposed residential use has been carried out within the Transport Technical Note provided. The area of employment permitted within the master plan totals 7.7ha and is capable of accommodating 56,000sqm of employment use. The land covered from this application would reduce this potential floor space by 30,000sqm. The employment use trips agreed within the original application has therefore been reduced by a factor of 0.54 to reflect this change. This approach is acceptable.

The new trips have then been calculated for the proposed 103 dwellings and compared to the trips associated with 30,000sqm of employment. This demonstrated a reduction in traffic generated from the site during the peak hour periods.

##### **Trip Distribution**

The distribution of the proposed residential trips has been assigned based on the approved methodology within the Transport Assessment supporting the outline planning application.

The impact of the proposed changes on three junctions has been assessed. These junctions are;

- B2150 Hambledon Road/Site Access
- A3 Maurepas Way/B2150 Hambledon Road/Site Access



- A3 London Road/Access

This analysis demonstrates a net reduction in trips at these junctions in the AM and PM peak periods.

### **Site Access**

The outline planning permission for the site (reference 05/00500/OUT) has addressed the specific site access arrangements required as part of the development. No changes to these arrangements have been proposed and they are deemed acceptable for the revised land use.

### **Contribution**

The contribution relating to planning application 05/00500/OUT has been agreed and secured under a S106 agreement relating to this application. No further contribution will therefore be sought from this application towards highway infrastructure.

### **Summary**

The application has demonstrated that the proposed change to the outline planning application does not have a detrimental effect on the highway with the overall impact of the development being lower than the approved use. Therefore the Highway Authority has no objections to the application.

### **Representations:**

#### Denmead Parish Council:

STRONG OBJECTION to the application. It was RESOLVED to reiterate the comments made at the time of the initial application which were: The Parish Council of Denmead, by a unanimous decision, raised a STRONG OBJECTION to this proposal and cited the following reasons: (a) In the interests of road safety, particularly for children attending the new school, the link road between the Taylor Wimpey development and the Grainger development should be completed and adopted by Hampshire County Council before any approval is given for further development. (b) Sickie Way should not be closed until the above mentioned link road was completed. Consideration should be given to keeping Sickie way open indefinitely. (c) Denmead Parish Council deplores the lack of social facilities within the Taylor Wimpey development which will be exacerbated by the addition of another 103 dwellings and should be subject to a new S106 agreement to ensure some provision. (d) Construction traffic, Household Waste Recycling Centre traffic and existing residential traffic are all currently using Darnel Road which, in its current condition, is unsuitable for this volume of traffic.

Letters received from 21 households objecting to the application for the following reasons:

- Too much social housing being provided in close proximity.
- Layout has not taken into account reducing crime and anti social behaviour.
- Existing residents were expecting light industrial development not more housing.
- Additional housing will put increased pressure on local services.
- Lack of safe places to cross the road.
- Poor road design and layout.
- Insufficient car parking.

- Housing will generate more traffic than light industrial.
- Housing inappropriate use next to household waste recycling centre.
- Lack of open space.
- Outstanding issues on the existing housing area which should be resolved before more houses are built.
- The provision of key mark buildings is inappropriate and will spoil the outlook of existing dwellings.
- No safe pedestrian access to the primary school.
- Poor quality design and build quality on dwellings.
- Too much social housing on the site.
- Not enough local employment for future residents.
- Darnel Road not suitable for additional traffic.
- Lack of safe pedestrian access to the Western Open space.
- When Sickle Way is closed, all traffic including that for the household waste recycling centre will go down Darnel Road / Auger Way which is not acceptable or suitable.
- Increased air pollution.

#### Old Park Farm Residents Association and Civic Society.

After attending the Phase 5 presentation & garnering opinions from residents, this is a summary from feedback received:

Positives—No light industrial units, meaning no increase in the number of lorries/vans coming on the development. Potentially less noise and air pollution if no light industrial units. Concerns raised about how opening hours of industrial units would be controlled. Phase 5 appears to include more visitors parking than on previous phases—although this will not mitigate the strain on the existing visitor’s parking spaces; Residents have asked whether after certain times at night/before certain times in the morning the light industrial area could have been used for additional residents parking.

Negatives— Approx. 100 more residential properties with approx. 150–200 more vehicles increasing pressure on the single Darnel Road access. A mix of housing types now disclosed but there are still concerns about the level of anti-social behaviour occurring on the site.

Additional pressure on the local services i.e. doctors, dentists, schools, play areas etc. A particular concern is the amount of spaces in secondary schools, with places already at a premium.

Taylor Wimpey suggested at a Denmead Parish Council Planning Committee Meeting and to the Residents Association that there may be a possibility, with the extra residential housing going in, of a community building on the development may be included in the revised plans. This is not showing on the Phase 5 plans and we have concerns that the only community building will be located on the Grainger site, with no clear timescale in place. This does not feel like it will be sufficient for the size of the development population.

Additional traffic on Darnel Road until such time as the access road from the Berewood development is in place—with no guaranteed timescale as to when this will be opened, although we believe this will not be until September. Continued single access to the

Household Waste Recycling Centre. Concerns are that the current 'traffic calming' measures have little or no impact on the speed or quality of driving. There are already safety concerns about the access via Darnel Road as the pavement does not extend up both sides of the road and there are no crossing points down the road. When the Western Open Space is fully developed (potentially including a kick about area) this could be a major hazard for the developments children. When Sickle Way is closed, concerns have been expressed about the amount of extra traffic both Harrow Way and Foxtail Road will experience and whether these access ways are fit for purpose. There may also be issues with turning right out of Harrow Way and Foxtail Road on to Darnel Road with the amount of traffic coming on to the development.

Concerns have been raised that the parking for the shops by Sickle Way will still mean drivers can turn right on to Hambledon Road when we believe that closing off of Sickle Way was to prevent this? There were concerns raised that not having light industrial space would have an impact on employment – especially with large employers in Portsmouth proposing to reduce their workforce in the coming months/years. Concerns were expressed that the additional housing in Phase 5 would not come out of the total West of Waterlooville development allocation but would be in addition to the residential housing already agreed and cannot understand why? The Taylor Wimpey Customer Services Care line already appear to be suffering under the weight of issues and residents are experiencing delays in remedial work already, which is only likely to be compounded with additional residential properties.

### **Relevant Planning Policy:**

#### Winchester District Local Plan Review

Saved policies DP3, DP4, DP5, T2, T3, T4, MDA1.

#### Winchester Local Plan Part 1 – Joint Core Strategy

SH1, SH2, CP1, CP2, CP3, CP7, CP10, CP11, CP13, CP14, CP15, CP16,

#### National Planning Policy Guidance/Statements:

National Planning Policy Framework in particular chapter 4 promoting sustainable transport, chapter 6 delivering a wide choice of high quality homes, Chapter 7 requiring good design, Chapter 11 conserving and enhancing the natural environment.

#### Other Planning guidance

Movement, Access, Streets and Spaces

Parking Standards

### **Planning Considerations**

#### Principle of development:

Planning permission was granted in outline for the northern part of the MDA being developed by Taylor Wimpey in January 2008. Part of the approved package of documents relating to the MDA include a master plan and design code which sets out the intention for development over this part of the site. This site was allocated for employment. The applicants have made an application for the majority of this area to be developed for housing, leaving a smaller area available for future employment development. To support this application evidence has been submitted to show that they have marketed the site and that there is no local demand for employment. This view is supported by the Head of Strategic Planning who has confirmed that the Council's own recent evidence studies into employment floor space are consistent with the applicants

position that significantly less floor space is required to create the level of jobs envisaged when the MDA was first proposed. Provision has been made on other sites in the vicinity and we can accept less employment floor space within the MDA.

In addition, West of Waterlooville is not considered a strategic site by the Solent Local Enterprise Partnership so its role is mainly to meet local employment needs, the wider sub-regional needs being met at Dunsbury Hill Farm which is within Havant Borough Council's area. Even allowing for the loss of approximately 2.75 hectares of land there is remaining employment land within the northern part of the MDA and a further 17 hectares to be provided on the southern part of the MDA which means the overall target will not be seriously affected by the loss of this site. Further to this the National Planning Policy Framework advises that land allocated for employment should not be retained when there is clearly no demand for it (paragraph 22) To allow the partial loss of this employment site is therefore in accordance with the NPPF.

Policy CP9 of the Core Strategy encourages the retention of employment land and premises. In this case it is land as no buildings have been built. The site is unlikely to meet a local employment requirement as the applicant has shown that having extensively marketed the site, there is no interest in developing the site for business purposes. The site is suitable for employment use in terms of its location but there are also benefits from providing residential development and it is considered sensible to allow the land to be developed for residential purposes which is far better than retaining a vacant site. The development will generate an additional 41 affordable houses and 62 open market dwellings and a mix of 1, 2, 3 and 4 bedrooms. The site will be developed at a density of about 37 dwellings per hectare.

The principle of the loss of the employment land is acceptable and therefore the impact of the provision of an additional 103 dwellings within the MDA requires assessment.

Policy SH2 in the adopted Core Strategy states that "Land to the West of Waterlooville is allocated for the development of about 3,000 dwellings together with supporting uses. Grainger have provided in the region of 2550 and Taylor Wimpey approximately 450. The provision of an additional 103 dwellings increases the total but has been considered in the light of the overall consent and supporting documents, including highways, ecology and facilities and services and is considered to be acceptable and within the scope of the policy requirement for the MDA. No additional financial contributions or other S106 requirements have been identified as being required to mitigate the impacts of the proposed additional dwellings. It is considered that the principle of providing an additional 103 dwellings on the MDA is therefore acceptable.

This application is a stand alone proposal which seeks full planning permission rather than details in compliance (reserved matters) and because of the complexities of the MDA a legal agreement is required to link the application back to the original S106 agreement. The application does not fully comply with the requirements of the approved design code or master plan as the use of the site is to be changed from employment to residential and so the design codes for this part of the site are not relevant for residential development. It also falls to be considered against the policies in the Core Strategy which was not adopted when the original consent and supporting documents were approved.

Notwithstanding this the applicant has sought to follow the general principles within the design code that are relevant to residential development. The layout, dwelling type, design and materials echo those used in earlier phases on the MDA. The proposal is policy

compliant in respect of providing 40% affordable housing. This approach is considered to be acceptable and would deliver a form and nature of housing development that would be appropriate when seen in relation to the wider MDA.

CP11 requires the development to achieve Code for Sustainable Homes Level 4 for water and 5 for energy. The adopted design code requires CL 3 for both. The submitted scheme will meet CL5 for energy and 4 for water. The applicant has submitted a revised sustainability report in support of the application in response to negative feedback to their original aim of achieving CL4 for water but only 3 for energy. The energy proposals have been re-evaluated and a new assessment submitted. The proposed sustainability of the scheme is therefore in accordance with the requirements of policy CP11.

Policy CP3 requires 40% affordable housing and the proposed application provides all of the required affordable housing on site and the sizes, tenure and distribution are considered to be acceptable. The plans have been further amended to provide two of the units as two bedroom flats over garages rather than three bedrooms and the access to plot 554 has been amended in response to officer feedback on the scheme.

In terms of policy CP2 – housing mix this policy requires the majority of homes to be 2 and 3 bedrooms. The proposed development is compliant proposing 8 no one bedroom, 29 no two bedroom, 58 no three bedroom and 8 no four bedroom dwellings.

It is the intention of the applicant to retain some of the site for future employment. This will be in accordance with the approved design code and will provide commercial development fronting the Main Avenue mirroring that on the other side of the road. It will not be possible to develop this remaining land for residential purposes in the future as it falls within the no residential build zone resulting from the proximity of the high voltage overhead power lines. The applicant has provided information and an illustrative layout for the retained employment land to prove that it is capable of being developed in accordance with the approved design codes. The layout and floorspace figures have been based on an existing business centre and a maximum of two storey accommodation has been assumed. The indicative layout allows for parking in accordance with former HCC standards as well as landscaping and access. This level of information is sufficient to assume that the remaining land is capable of being developed for employment uses in the future in an acceptable manner and in accordance with the design codes.

No additional contributions have been identified as being required in respect of the application.

It is therefore considered that the proposed use of the land for residential development, rather than employment as originally envisaged, is acceptable in principle.

#### Design/layout:

The design principles for developing the site are set out in the phase 5 Design and Access Statement. The constraints and opportunities of the site have been analysed and a series of desired outcomes identified. The design and layout conforms with the residential section of the design codes even though this is a stand alone application which could not be submitted as details in compliance because of the change of the use of the land. It is considered that developing this phase in accordance with the principles of the design code will ensure continuity of residential built form over the northern part of the MDA and this is

an appropriate design and layout response to this site and to the development of the wider area.

The main design principles have been established as follows;

- There should be a continuous, high density building line along Main Avenue;
- Development should reflect the previously approved crescent to create a coherent gateway to the site when from the south;
- Low density edge along the stream corridor;
- Substantial landscape buffer to mitigate impacts of adjoin commercial uses;
- Continuous pedestrian / cycle route along the stream corridor;
- Logical sequence of streets and squares;
- Single junction to Main Avenue to avoid conflict with commercial users;
- Pedestrian only links through to west and open space beyond;
- Landmark buildings in areas identified by the code;
- Majority of development two storeys and medium density.

The development of this proposed phase has been broken down into three key areas as follows;

#### Main Avenue and Crescent.

The layout of these dwellings has been arranged to enclose the Main Avenue and form a continuous frontage. These dwellings will be between two and three storeys high and designed to echo those already constructed in phases 1 and 2. The layout will also reflect the approved crescent feature on the east of Main Avenue. The taller apartment buildings are located to define the important corner locations to the north of the site. Echoing the already approved development on the east of Main Avenue will create a recognisable street and cohesive development.

#### Stream Corridor.

The south eastern boundary of phase 5 fronts the stream corridor and associated public open space and is a relatively small part of the phase. This area will be lower density dwellings which overlook the shared surface street. This area will also incorporate a public square.

#### Neighbourhood Core.

This area will be developed in accordance with block types 1 and 2 identified in the approved design code. This development will be characterised by streets and squares. The secondary streets will be 5.5m wide leading to shared surface streets and then into mews spaces. The shared surface and mews streets aim to provide a safe and attractive pedestrian friendly area and have been proved to work well in earlier phases. Planting will be incorporated within the streets and balconies to overlook the public realm.

#### Amended plans and general comments.

Amended plans have been submitted to address concerns that were raised about the originally submitted layout. These were fairly minor issues but resolving them will result in an improved environment and street scene.

The amount of space for landscape and tree planting has been increased with some of the car parking being re-configured to allow for this. Some of the tree planting positions has been altered to allow for the maximum impact and as large a tree species as can be provided in these locations. Some areas of road have been narrowed to calm traffic and emphasis the shared surface areas.

Some of the plots have been redesigned to provide better enclosure and overlooking of the public realm particularly in the parking courts. This has involved the introduction of living accommodation at ground floor level and balconies at first floor level to provide a more active frontage which is accepted as good urban design.

A number of flats over garages now have two balconies which as well as increasing surveillance over the public realm, also improves the amount of outdoor amenity space available to the future occupants where private gardens are not provided.

Additional attention has been given to potential view points and ensuring that they are visually acceptable and terminated either by way of tree planting or a suitably designed building.

The materials palette has been amended in the light of concerns about the overreliance on imitation slate. A real slate finish is now proposed to all dwellings on the Main Avenue frontages with the plain clay tiles and pre weather Cambrian slate (imitation) to the secondary streets and mews. This is the approach that has been taken on previous phases and is considered to be acceptable. On the initially submitted plans there was also a reference to the use of green render which provoked some local objection. This has now been replaced by cream and white render as used in earlier phases.

#### Impact on character of area and neighbouring property:

The most recent phases to be approved (3 and 4) are currently under construction although some of the properties are now occupied. The closest residential neighbours are on the opposite site of the Main Avenue. In line with the design code these are the taller buildings with a strong sense of enclosure. If development had proceeded as anticipated in the design code and the application site developed for employment then the existing dwellings would have had an outlook over the employment units and car park. The design code had anticipated two and three storeys for the employment buildings fronting the residential areas to minimise the impact. In addition there would have been a secondary road running through the site connecting to the road accessing the household waste recycling centre. Some of the existing residents have objected to the change of use of the site but, in terms of impacts on their residential amenity, the residential use of the site is not considered to be more damaging than the employment use. Residential use will not attract the number or size of vehicles that a commercial site would and the built form is of a similar scale and design to that existing. The relationship with the existing residential use is therefore considered to be acceptable.

#### Landscape/Trees:

There are no particular landscape features or existing trees on the site at the present time and so the proposed development will need to create its own landscape framework. The layout follows the same principles adopted in other phases of roads leading to landscaped squares and this is in accordance with the design codes. The main public areas of open space are as follows;

1. Transitional Green: in the north west of the site, a generously sized and well overlooked landscaped open space in front of plots 482 – 488 which will consist of grass with a perimeter of Hazel trees making for a pleasant visual amenity. The right trees have been selected for this space but according to the engineering drawing (MJA Consulting – Drainage Layout – 4858:01 Rev A) there is a possible conflict with a proposed foul sewer beneath the line of trees.
2. Central Square: This area has been amended in light of previous landscaped comments and the previously proposed visitor parking removed from the area allowing a larger area of green space to be provided which can fulfil its function as a usable square. This square will also contain a substantial purple maple which will make a significant contribution to character and appearance being located on a corner.
3. Community Green: is a bigger green space which has the capacity to accommodate some low-key use and a more significant tree and shrub planting scheme. This will include an Oak tree, Birches and Field Maples. This area of green space opens onto the green space associated with the Stream Corridor open space which will increase its impact and usefulness.
4. Crescent Green: a very significant green space which echoes the green space in front of the crescent already approved on the opposite side of Main Avenue. It is proposed that this space will be planted with trees of suitably large scale to mirror the scale of the built form and to form an appropriate 'gateway' when travelling from the south.

In terms of general landscape strategy for the site this phase follows the already established principles from earlier phases with a clear hierarchy of landscaped streets and squares across the development and leading out to the Western Open Space. The streets in phase 5 will incorporate trees as will the car parking areas. The majority of the trees provided are in public areas and not private gardens.

In addition to the usual landscaping and open space, phase 5 will also incorporate a substantial landscaped buffer along the southern and western boundaries. This is required due to the proximity of the household waste recycling centre and the remaining employment land to the west. There is a potential for conflict between the future employment land, the household waste recycling centre and the proposed residential properties both in terms of noise and environmental quality. The applicant has proposed a substantial bund along this boundary which will visually separate the housing from the commercial sites to the west and south west and also provide some protection in terms of noise reduction. The bund will be landscaped and will also form an attractive feature as a back drop to the residential development. Full details of the bund have yet to be submitted and condition 9 requires these to be submitted and approved prior to development commencing.

The approach to landscaping proposed within this phase is supported and will result in some significant areas of public open space creating a high quality environment.

#### Highways/Parking:

Because of the change of use of the land the principles set out in the design code for roads in this phase are not being followed.



The main change is that there will no longer be a route through the site connecting out on to the part of Main Avenue that access the household waste recycling centre. It is now proposed to provide a single link only onto Main Avenue at the eastern extent of the site in the same position proposed for the previously approved employment use of the site. The main access into the phase will be via a secondary street which will attract residential traffic only as the route through to the employment and HWRC will no longer be provided other than for pedestrians. The remainder of the roads within the phase will be shared surface.

There will be pedestrian / cycle way only through to the west of the site which will lead across the employment land to the Western Open SpaceA pedestrian / cycle way is provided to the eastern boundary of the site as required by the design codes.

The roads and parking proposals have been assessed by Hampshire County Council and the City Council's highways engineer and found to be acceptable and in accordance with City Council standards.

The fall back position is that the site has outline consent for employment uses B1, B2 and B8 and the traffic movements associated with this would be greater than those associated with 103 dwellings. There is no objection to the proposals from highways and no requirement for any additional contributions.

## Conclusion

The proposal involves the residential development of part of the MDA originally earmarked for employment. However, based upon the information submitted with the application, and research carried out in support of developing the Council's own planning policies, officers are satisfied that there is little prospect of the land being used for business purposes. Consequently, in accordance with both national and local planning policies, the principle of allowing the land to be used for housing is accepted. There is little to be gained from the site being left vacant and there are real benefits associated with this proposal which would provide a good mix of market and affordable homes in a form which would be sympathetic to the wider MDA in terms of character, layout, landscaping, materials and the like. The application is therefore recommended for approval.

## Planning Obligations/Agreements

In seeking a planning obligation to link this application to the outline S106 the Local Planning Authority has had regard to the tests laid down in paragraph 204 of the NPPF 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. This phase of the development will need to be subject to the same obligations in particular in respect of affordable housing and open space provision and maintenance as the remainder of the northern part of the MDA. It is also appropriate that the link is in place in order that the units count towards triggers in the existing S106 to ensure that facilities and services are provided at the appropriate point in time. The terms of this S106 are to be agreed by the Head of Legal and Democratic Services.

## **Recommendation**

Application Permitted subject to a S106 agreement and the following conditions:

**(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 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).
- 02 No development or site preparation prior to operations 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.
- 02 Reason: To ensure that the archaeological interest of the site is properly safeguarded and recorded.
- 03 No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routeing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.
- 03 In the interests of highways safety and to protect the amenity of existing residents.
- 04 Full details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site shall be submitted in writing to the Local Planning Authority for written approval prior to the commencement of the development. The approved measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the development. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.
- 04 In the interests of highway safety.
- 05 The parking area including the garages shall be provided in accordance with the approved plans before the dwellings are first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.
- 05 Reason: To ensure the permanent availability of parking for the property.

- 06 Details of the width, alignment, gradient and type of construction proposed for the roads, footways together with the details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before footways.
- 06 Reason: To ensure that the roads are constructed to a standard which may allow them to be taken over as a publicly maintainable highway.
- 07 The roads and footways shall be laid out and made up in accordance with the specification, programme and details to be approved by the Local Planning Authority. No dwelling erected on the land shall be occupied until there is a direct connection from it completed to the approved specification less the final carriageway and footway surfacing to an existing highway.
- 08 The unallocated (casual and visitor) parking spaces shown on drawing number UP00029-2-K by Urban Perspective dated 01-09-2013 shall be retained and made available for parking purposes at all times to all residents and visitors to the development with no physical or legal restriction on who may use such spaces.
- 08 To ensure that adequate parking spaces are retained for the development (in accordance with Winchester City Council's Supplementary Planning Document Residential Parking Standards December 2009) in the interests of highway safety.
- 09 Prior to any work commencing on site details of the proposed bund, to include the method of construction, height, profile, planting details and future maintenance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and there after retained and maintained in accordance with the approved details.
- 09 To ensure that the bund presents a satisfactory visual feature within the development.
- 10 A noise validation report, demonstrating compliance with the noise criteria specified in BS8233:2014 shall be submitted to and approved by the Local Planning Authority before any dwelling is occupied. The noise report shall demonstrate that:
- i. all bedrooms shall achieve an 8-hour LAeq (23:00 to 07:00) of 30dB(A)
  - ii. all living rooms and bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
  - iii. all outside amenity space shall achieve a 16-hour LAeq (07:00 to 23:00) of 55dB(A)
- Such noise protection measures implemented to achieve these objectives shall thereafter be maintained and operated in accordance with the approved scheme.
- 10 Reason: To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded.

- 11 Prior to work commencing on the site, including demolition, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

Measures to be undertaken to minimise impacts on surrounding land.

Timetable and dates for stages of the development, including land restoration at the completion of construction works.

Dust suppression, mitigation and avoidance measures.

Measures for minimising construction waste and provision for the re-use and recycling of materials.

Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.

Floodlighting and security lighting. (note: this must be directed in such a way as not to cause nuisance to adjoining properties or adjacent highway).

Code of Construction Practice for all works and operations on the site.

Measure to be taken to prevent contaminants from entering watercourses or the water environment and to protect drainage infrastructure.

Use of fences and barriers to protect adjacent land, footpaths and highways.

The Construction management plan shall be adhered to throughout the duration of the construction period.

- 11 Reason: To ensure that all demolition and construction work in relation to the application does not cause materially harmful effects on nearby land, properties and businesses.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B or E of part 1 of schedule 2 or Class A of part 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.
- 12 Reason: To protect the amenities of the locality and to maintain a good quality environment.
- 13 Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data) demonstrating that all homes meet the Code 5 standard for energy (as defined by the ENE1 and ENE2 in the Code for Sustainable Homes) and the Code 4 standard for water (in the form of a BRE water calculator) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.
- 13 To ensure that the development conforms with the requirements of policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy and results in sustainable development.
- 14 Prior to the occupation of the development hereby permitted detailed information (in the form of SAP as built stage data) demonstrating that all homes meet the

Code 5 standard for energy (as defined by the ENE1 and ENE2 in the Code for Sustainable Homes) and the Code 4 standard for water (in the form of a BRE water calculator) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

- 14 To ensure that the development conforms with the requirements of policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy and results in sustainable development.
- 15 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.
- 15 Reason: To improve the appearance of the site in the interests of visual amenity.
- 16 No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.
- 16 Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

### **Informatives:**

In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

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.

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

Winchester District Local Plan Part 1 - Joint Core Strategy: SH1, SH2, CP1, CP2, CP3, CP7, CP9, CP10, CP11, CP13, CP14, CP15, CP16,  
Winchester District Local Plan Review 2006: Saved policies DP3, DP4, DP5, T2, T3, T4.