

PLANNING DEVELOPMENT CONTROL COMMITTEE

7 April 2005

Attendance:

Councillors:

Busher (Chairman) (P)

Baxter (P)
Bennetts (P)
Beveridge (P)
Davies (P)
Darbyshire
Evans (P)
Jeffs (P)

Johnston (P)
Mitchell (P)
Pearson (P)
Read (P)
Saunders (P)
Sutton (P)
Tait (P)

Deputy Members:

Councillor Pearce (Standing Deputy for Councillor Darbyshire)

Others in attendance who addressed the meeting:

Councillors Beckett and Campbell.

1105. **APOLOGIES**

Apologies were received from Councillor Darbyshire.

1106. **PLANNING APPEALS – SUMMARY OF DECISIONS**
(Report PDC528 refers)

RESOLVED:

That the report be noted.

1107. **BUMBLE COTTAGE, NEWTOWN – LEGAL ISSUES**
(Report PDC531 refers)

RESOLVED:

That the advice contained in this report be considered with the minutes of the meeting of the Planning Development Control (Viewing) Sub-Committee held on 21 March 2005 when determining the retrospective application.

1108. **PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**
(Report PDC529 refers)

The Committee considered the minutes of the meeting of the Planning Development Control (Viewing) Sub-Committee held on 21 March 2005 (attached as Appendix A to the minutes).

The minutes were considered with Report PDC531 – Bumble Cottage, Newtown – legal issues, and item 8 of Report PDC526 – Development Control Applications.

The Acting Director of Development Services reported that since the Sub-Committee, four further individual letters and a petition signed by the Liberty Road Residents' Association had been received in objection to the application. The reasons for objection were summarised to the Committee. The Acting Director further added that the Local Government Ombudsman had agreed to investigate the processing of the original 2002 application.

In the public participation part of the meeting, Mr J Ansari spoke in objection to the application and commented on the issues raised in Report PDC531. Mr Tutton, agent, spoke in support of the application. At the invitation of the Chairman, Councillor Campbell, a Ward Member, spoke on this item.

Councillor Campbell commented on the content of Report PDC531, which she stated answered the questions of whether the City Council might be estopped from taking enforcement action as the result of advice given to the applicant. The conclusion of the report was that the Council would not be estopped from taking enforcement action if it so wished. It was now expedient for the Council to decide whether it should allow or refuse the application. She added that one of the issues was the use of incorrect drawings, which had resulted in the development being 1.8 metres out of position. This had caused problems to neighbours, as the built form did not match the planning permission as granted.

In the Committee's assessment of the application, the Acting Director of Development Services answered several questions from Members. The Highways Engineer clarified that although Bumble Cottage had been built 1.8 metres closer to Liberty Road than was granted permission for, there remained satisfactory space for turning of cars. The spaces provided met current County Council standards, and refusal on highway grounds could not be defended at appeal. In addition, the Acting Director of Development added that although overlooking a bedroom in the neighbouring property (Newton Heath) had resulted from Bumble Cottage not being built in accordance with approved plans, the upstairs window from which the overlooking occurred was approximately fifteen metres from Newton Heath and was at an oblique angle. There was also a high level window in the kitchen of Bumble Cottage. However, it was the Acting Director of Development Service's advice that the new position of the windows was not materially more harmful than the 2002 planning consent.

Following detailed consideration, most Members believed that the resultant overlooking of the neighbouring property (Newton Heath) and the compromised manoeuvring of cars on the site because of the building not being built as approved, had resulted material harm and therefore the application should be refused.

In refusing the application, the Committee agreed that the Acting Director of Development Services bring a report to its next meeting, setting out the detailed reasons for refusal and the options for enforcement action that were now available to the City Council.

RESOLVED:

1. That the Acting Director of Development Services bring a report to its next meeting, setting out the detailed reasons for refusal and the options for enforcement action that were now available to the City Council.
2. That the minutes of the meeting of the Planning Development Control
(Viewing) Sub-Committee held on 21 March 2005 be received.

1109. **DEVELOPMENT CONTROL APPLICATIONS**
(Report PDC526 refers)

The Schedule of Development Control decisions arising from the consideration of the above report is circulated separately and forms an appendix to the minutes.

Councillor Davies declared a personal (but not prejudicial) interest in respect of item 10, as he was a member of the Council of the City of Winchester Trust which had commented on this application and he spoke and voted thereon.

Councillor Beveridge declared a personal (but not prejudicial) interest in respect of item 10 as he was a member of the City of Winchester Trust which had commented on this application and he spoke and voted thereon.

Councillor Evans declared a personal and prejudicial interest in respect of item 1, as the objector was personally known to herself and she left the meeting during consideration of this item.

In the public participation part of the meeting, following items were discussed:

In respect of item 1 – Yew Cottage, 18 Tanfield Park, Wickham, Fareham, Mr Botten spoke in objection to the application and Ms Mendes, agent, spoke in support. The Acting Director of Development Services stated that the applicant had agreed to remove side windows to reduce the impact on the neighbouring property. Following debate, the Committee agreed the amended application as presented to the Committee.

In respect of item 2 – Netherview, Parsonage Lane, Durley, Mr D'Arcy, architect, spoke in support of the application. Following debate, the Committee approved the application as set out.

In respect of item 3 – Bramwell, 3 Butts Farm Lane, Bishops Waltham, Mr Quarendon spoke in objection to the application and Mr Tutton, agent, spoke in support. The Committee agreed to the application as set out, subject to the inclusion of an additional condition that the extension to the existing detached

garage and incorporation of garden shed and storage in roof space was not converted into ancillary accommodation at a future date.

In respect of item 4 – the Pine Emporium, 99 Main Road, Hursley, Winchester, Mr Greatrix spoke in support of the application. The Committee agreed to approve the application as set out, subject to adding an Informative that the permission granted would not be extended beyond the period expiring on 31 March 2008.

In respect of items 6 and 7 – Old Farm Barn, Silkstead House, Silkstead Lane, Hursley, Winchester, Mr H Thomas, architect, spoke in support of the application and against the officers' recommendation for refusal. Following detailed consideration, the Committee agreed that this was a good scheme that was sensitively designed and would have a minimum of impact on the listed building. In approving the application authority was delegated to the Acting Director of Development Services and City Secretary and Solicitor in consultation with the Chairman to agree suitable conditions to accompany granting planning permission, with the approval and conditions only to be brought back to the Committee in the circumstances of the Acting Director of Development Services and the Chairman agreeing that there was sufficient reason to do so.

In respect of item 9 – land adjacent to High Down, Cliff Way, Compton Down, Winchester, Mr Buchanan, agent, spoke in support of the application and against the officers' recommendation for refusal. At the invitation of the Chairman, Councillor Beckett, a Ward Member, spoke on this item. In summary, Councillor Beckett stated that the application site was identified in the Urban Capacity Study as being capable of development. The only objection was from the Highways Engineer, and there was evidence from previous planning appeal decisions at Briarleas (Compton) and Dunroamin (Denmead) that the use of sub-standard junctions was acceptable in certain circumstances. He continued that there were several applications pending for this area of Compton and that on 10 February 2005 the Committee had allowed permission for a single dwelling at Shepherds Grove. To be consistent, the Committee should approve the incremental development of the area by an extra single unit.

In answer to Members' questions, the Acting Director of Development Services clarified that the application site was also subject to planning appeal for three dwellings. It was the officers' understanding that the appeal would be withdrawn should the current application or a single dwelling be successful. Should the current application for a single dwelling be successful, it was clarified that there was inadequate room to the front of the application site for construction of the extra dwellings that were subject to the appeal. The Acting Director of Development Services added that the Compton area would be the subject of a Local Area Design statement being prepared by the Matrix Partnership, which as part of its study would be considering the adequacy of the junctions of Shepherds Lane and Hurdle Way. Following debate, the Committee agreed to support the officers' recommendations as set out to refuse the application.

In respect of item 10 – Hyde Post Office and Stores, 16 Egbert Road, Winchester, Mr Risbridger spoke in support of the application. The Chairman

commented that Councillor Hiscock, a Ward Member, had been unable to remain at the meeting for consideration of this item, but had raised some concerns from neighbours who objected to the application. The Acting Director of Development Services stated that to prevent overlooking from the two first floor Velux windows, it would be acceptable to the applicant for them to be permanently fixed rather than to be partially opening, as was the case. Following debate, the Committee approved the application as set out, with no condition to require the Velux windows to be permanently fixed, and that an added condition be included to remove permitted development rights to prevent further roof lights being inserted in the roof of the converted former garage building.

In respect of items not subject to public participation, item 5 – 17 Coles Mede, Otterbourne, was approved as set out in the report subject to an added condition that the garden be kept as one unit.

In respect of item 11 – The Alma Inn, Alma Lane, Upham, the Committee agreed to defer the application to its next meeting to allow the officers time to further negotiate with the applicant in order that the traditional public house sign fronting the highway might be retained.

RESOLVED:

1. That the decisions taken on the Development Control Applications, as set out in the schedule which forms an appendix to the minutes, be agreed.

2. That in respect of items 6 and 7 – Old Farm Barn, Silkstead House, Silkstead Lane, Hursley, Winchester, the application be approved and authority be delegated to the Acting Director of Development Services and City Secretary and Solicitor in consultation with the Chairman to agree appropriate conditions, with the approval and conditions only to be brought back to the Committee in the circumstances of the Acting Director of Development Services and the Chairman agreeing that there was sufficient reason to do so.

3. In respect of item 11 – The Alma Inn, Alma Lane, Upham, the application be deferred to the Committee's next meeting to allow the officers time to further negotiate with the applicant in order that the traditional public house sign fronting the highway might be retained.

The meeting commenced at 2.00 pm and concluded at 7.35 pm.

Chairman

APPENDIX A

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE

21 March 2005

Attendance:

Councillors:

Busher (Chairman) (P)

Baxter (P)
Bennetts (P)

Johnston (P)
Read (P)

Others in attendance:

Councillor Pearson

Officers in attendance:

Mrs S Proudlock, Team Leader, Planning
Ms E Norgate, Principal Planner
Mr I Elvin, Engineer

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1110. **BUMBLE COTTAGE, 6 LIBERTY ROAD, NEWTOWN, FAREHAM**
(REFERENCE NUMBER W17401/01)
(Report PDC517 refers)

The Sub-Committee met at the application site where the Chairman welcomed to the meeting approximately 15 local residents, Mr and Mrs Jackson (the applicants) and Mr Turton of Soberton Parish Council.

Ms Norgate explained that planning permission had been granted in April 2002 for a replacement dwelling on the site of Bumble Cottage. The permission was granted for the demolition of Bumble Cottage and the erection of a five bedroom dwelling. Subsequent to this permission, a further application was submitted and refused in 2004 for a five bedroom dwelling with a double width front gable and double detached side garage.

Using the 2002 permission, the applicant had begun construction of the new dwelling during autumn 2004 but neighbours had notified the Council that the replacement dwelling had not been constructed in the correct position as set out on the approved plans. The applicant had therefore submitted an amended application to the 2002 permission to regularise the siting of the new dwelling. As the principle of the dwelling development had been established in 2002, Members were therefore requested to consider whether the position of the building, against the approved plans, was sufficiently materially harmful so as to recommend refusal.

Ms Norgate also explained the positioning of the first floor rear windows of the part-constructed dwelling varied from the approved plans. The approved plans had granted permission for a single 1.2 metre wide window, but as a consequence of internal alternations to the dwelling, the applicant had instead installed two 0.6 metre wide frosted windows to serve the first floor rear bathrooms.

During debate, Ms Norgate confirmed that the dwelling had been constructed 1.8 metres closer to the edge of Liberty Road, in comparison to the approved plans, and that the dwelling was now 9.4 metres from the road.

The Sub-Committee discussed the traffic implications arising from the dwelling's closer proximity to the road. Members noted that the dwelling was close to a sharp corner in Liberty Road, which could be dangerous for vehicles reversing out of the development. The part-constructed dwelling featured an internal double garage to the front and Mr Elvin explained that with the removal of some of the existing planting in the front garden, there would be sufficient room for a vehicle to turn on-site, thus negating the need to reverse onto Liberty Road. In response to comments, Mr Elvin stated that he expected that this manoeuvre could be completed in a normal sized vehicle. Following debate, the Sub-Committee agreed that the removal of the existing area of planting and rockery in the front garden should be attached as an additional condition to increase the vehicle turning area.

With the permission of the owners, Members of the Sub-Committee then considered the proposals from the application site, including overlooking from the first floor windows. Members then considered the effect of the part-constructed dwelling from various ground floor and first floor rooms and the garden of the adjacent building, Newton Heath, at the owners' invitation. From Newton Heath, Members noted that there was some overlooking from the rear bedrooms of Bumble Cottage to parts of the kitchen, rear downstairs bedroom and patio area of Newton Heath.

A Member questioned to what extent the mature hedgerow between Bumble Cottage and the neighbouring property to the east, Cherry Tree Farm, could be cut to improve visibility onto the road. Mrs Proudlock confirmed that this would not be possible, as the hedge was not within the ownership of the applicant.

During discussion, Members noted that the ground floor level of Bumble Cottage would be minimally higher than the existing concrete base, as the applicant intended to install a floating floor.

At the invitation of the Chairman, Councillor Pearson spoke as a Ward Member. He advised the Sub-Committee to consider the traffic, landscaping, overlooking and loss of light issues relating to the application.

Also at the invitation of the Chairman, Mr Turton addressed the Sub-Committee as a representative of Soberton Parish Council. He explained that the Parish Council had considered the proposal as if it were a new application and concluded that it conflicted with both the Winchester District Local Plan and the Soberton and Newtown Village Design Statement. He stated that the proposals had a detrimental effect on the amenities of adjacent dwellings, was too close to the road, was out of character with surrounding dwellings and was too large for the site.

At the invitation of the Chairman, a local resident spoke in objection to the application as he considered that its acceptance by the Council would set a poor precedent.

Also at the invitation of the Chairman, Mr Jackson (the applicant) explained that the positioning of the dwelling had been a mistake caused by a confusion regarding the site's boundary and measurement inaccuracies.

At the conclusion of the meeting, Members reluctantly agreed with the officers' recommendation that, although the building was prominent on the street scene, the re-positioning of the dwelling did not constitute material harm. However, Members were sympathetic to the concerns raised by the owners of Newton Heath regarding overlooking and requested that officers consider whether it would be appropriate to attach a further condition to obscure the rear bedroom window nearest to Newton Heath.

Members also agreed that a further condition be placed regarding the removal of the existing area of planting and rockery in the front garden, so as to increase the vehicle turning area.

With regard to the two bathroom windows at the rear, Members raised no objection and commented that these windows enhanced the rear visual appearance of the property rather than the single window on the approved plans.

On a point of general planning compliance, Members raised concerns that a building in variance to approved plans could have been so close to completion. In response Mrs Proudlock explained that, as a result of additional Planning Grants Funding, a Compliance Officer had been appointed whose responsibility would be to check developments against the approved plans.

RECOMMENDED:

That planning permission be granted, subject to the following conditions

01 The development hereby permitted shall be begun before the expiration of five 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.

02 A detailed scheme for landscaping, tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development is completed. 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 development, whichever is sooner. If within a period of five 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.

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

03 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order, with or without modification), no windows shall, at any time, be constructed at first floor level in the south-east and north-west elevations of the dwelling hereby permitted.

03 Reason: To protect the amenity and privacy of the adjoining residential properties.

04 All work relating to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

04 Reason: To protect the amenities of adjoining properties during the construction period.

05 The garage shall be provided in accordance with the approved plans before the dwelling is 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 parking area shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this approval. The approved details shall be fully implemented before the house is occupied and thereafter maintained.

06 Reason: In the interests of highway safety and to allow vehicles to enter and leave the site in a forward gear.

The meeting commenced at 9.30am and concluded at 11.15am

Chairman