

**PLANNING DEVELOPMENT CONTROL COMMITTEE**

**28 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  
Tait (P)

Others in attendance who addressed the meeting:

Councillor Campbell

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1139. **APOLOGIES**

Apologies were received from Councillors Darbyshire and Sutton.

1140. **MEMBERSHIP OF SUB COMMITTEES ETC**

RESOLVED:

That a meeting of the Planning Development Control (Knowle Hospital) Sub Committee be held on Monday 9 May 2005 to commence at 7.00 pm at The Chapel, Knowle Hospital, Wickham.

1141. **PLANNING APPEALS – SUMMARY OF DECISIONS**

(Report PDC534 refers)

RESOLVED:

That the report be noted.

1142. **PLANNING DEVELOPMENT CONTROL (ROYAL OBSERVER CORPS) SUB COMMITTEE**

(Reports PDC537 & PDC532 refer)

The Committee considered the minutes of the meeting of the Planning Development Control (Royal Observer Corps) Sub Committee held on 13 April 2005 (Report PDC537 refers) together with the associated report of the Sub Committee (Report PDC532 refers).

The Director of Development submitted at the meeting a recommendation that planning permission be granted subject to a Section 106 legal agreement to secure: financial contributions for open space; repair and maintenance of the listed buildings; financial contributions towards the Winchester Movement and Access Plan together with additional conditions.

The Director highlighted that there was a small number of highway issues that could be dealt with by additional conditions.

In answer to Members' questions the Director confirmed that a 6 metre protected tree line was included at the boundary of the site. The application met the requirements of Planning Policy Guidance Note 3 but the threshold for the provision of affordable housing had not been achieved, although the application did meet the Council's requirements for a better housing mix by the inclusion of additional 2 bedroom units.

The Director added that although details of the treatment of the garden boundaries were not included within the detailed approval, this would be covered by condition and a high quality landscape scheme would also be required.

A verbal indication of support for the scheme had been received by English Heritage, but this was still to be confirmed in writing.

In the public participation part of the meeting, Mr Holmes, representing the applicant, spoke in support of the scheme and addressed issues as to why affordable housing had not been included as part of the scheme.

Following debate, the Committee agreed that an additional condition be included that an information plaque highlighting the history of the listed buildings should be included as part of the scheme.

The Director of Development stated that as the applicant had submitted a number of amendments to the scheme, these had been publicly advertised but the closing date for public comments had not been reached. Therefore, the Committee agreed to approve the application subject to the decision notice not being issued until after the date of expiry for public comments. Should this period of public comments result in new material planning considerations being raised, then the application would be returned to Committee for determination, otherwise the decision notice would be issued by the Director of Development.

**RESOLVED:**

1. That subject to no new issues of material consideration being raised by the closing date for public representation, that planning permission be granted for residential development comprising conversion of existing building to form 3 No. one bedroom and 1 No. two bedroom dwellings. Demolition of ancillary buildings and erection of 2 No. two bedroom and 7 No. three bedroom dwellings with associated parking and alterations to existing access. [AMENDED SCHEME] subject to a section 106 legal agreement to secure:- financial contributions for open space; - repair and maintenance of the listed buildings; - financial contributions towards

the Winchester movement and access plan and conditions and reasons as set out below.

1 Conditions/Reasons

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 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwellings, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

03 No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

03 - boundary treatments:

03 - hard surfacing materials:

03 - proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):

03 Soft landscape details shall include the following as relevant:

03 - planting plans:

03 - written specifications (including cultivation and other operations associated with plant and grass establishment):

03 - schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:

03 - retained areas of grassland cover, scrub, hedgerow, trees and woodland;

03 - implementation programme:

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

- 04 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.
- 04 Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.
- 05 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the details hereby approved.
- 05 Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.
- 06 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.
- 06 Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.
- 07 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars, and paragraphs (a) and (b) below shall have

effect until the expiration of from the date of the occupation of the building(s) for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - b) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
  - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with details to be submitted and approved in writing by the Local Planning Authority before any equipment, machinery, or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- 07 Reason: To ensure the protection of trees which are to be retained.
- 08 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.
- 08 Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.
- 09 The developer shall afford access at all reasonable times to an arboricultural consultant, to be agreed in writing with the Local Planning Authority prior to the commencement of development. The developer shall allow the arboricultural consultant to observe the installation and maintenance of protective fencing, the installation of special surfaces and foundations for the building/s.
- 09 Reason: To ensure the protection of trees which are to be retained.

- 10 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.
- 10 Reason: In the interests of highway safety.
- 11 Before the development hereby approved is first brought into use, the access shall be constructed with a non-migratory surfacing material for a minimum distance of 4.5 metres from the highway boundary.
- 11 Reason: In the interests of highway safety.
- 12 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.
- 12 Reason: To ensure that the roads and footways are constructed to a satisfactory standard.
- 13 The gradient of the drive shall not exceed 8% within 6 metres of the edge of the adjoining carriageway.
- 13 Reason: In the interests of highway safety.
- 14 Prior to the completion of development a cut off drain shall be provided to prevent the egress of surface water onto the public highway
- 14 Reason: In the interests of highway safety.
- 15 Before the development hereby approved is first brought into use, a turning space shall be provided within the site to enable vehicles using the site to enter and leave in a forward gear. The turning space shall be retained and kept available for such purposes at all times.
- 15 Reason: In the interests of highway safety.
- 16 The garage/parking spaces hereby approved shall not be used for any other purpose than the parking of cars.
- 16 Reason: To ensure the provision and retention of the n the interests of local amenity and highway safety.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A; B; C; E; F and G of Part 1 and Class A, of Part 2, of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.
- 17 Reason: To protect the amenities of the locality and to maintain a good quality environment.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows or rooflights other than those expressly authorised by this permission shall at any time be constructed in the elevations or roof planes of the dwelling units hereby permitted.
- 18 Reason: To protect the amenity and privacy of the adjoining residential properties.
- 19 During construction any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. all filling points, vents gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downward into the bund.
- 19 Reasons: To prevent pollution of the water environment.
- 20 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking area and hardstanding shall be passed through trapped gullies to BS5911:1982 with an overall capacity compatible with the site being drained.
- 20 Reason: To prevent pollution of the water environment.

2. That subject to no new issues of material consideration been raised by the closing date for public representation, that listed building consent be granted for alterations to provide residential development comprising conversion of existing building to form 3 No. one bedroom and 1 No. two bedroom dwellings.

#### Conditions/Reasons

- 01 The works hereby consented to shall be begun before the expiration of five years from the date of this consent.

- 01 Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 02 Prior to the commencement of the work on site a full repair schedule, including concrete render repairs, together with repairs to concrete columns, beams and planks shall be submitted to and agreed in writing with the Local Planning Authority, prior to commencement of, repairs shall be completed before any unit on the site is completed.
- 02 Reason: In the interests of the preservation and character of the listed building.
- 03 Any part of the building exposed by demolition work shall be made good and the safety and stability of the part of the building that is to be retained shall be ascertained by a report from a suitably qualified structural or civil engineer. Before the works of demolition commence that report is to be supplied to and agreed in writing with the Local Planning Authority. No demolition of any part of the building except as detailed on the approved plans. The remaining part shall be retained and incorporated in the new structure in accordance with the approved plans.
- 03 Reason: In the interests of the preservation and character of the listed building.
- 04 Any alterations and repairs to brickwork and concrete including paint finish, shall be carried out utilising matching materials, brick bond and jointing details to those on the existing building. The extent of any repointing or brick replacement is to be agreed in writing with the Local Planning Authority before proceeding.
- 04 Reason: To maintain the character of the listed building.
- 05 The development hereby permitted shall be constructed using concrete, windows, beams, columns to match those on the existing building. If any materials or their means of fixing are not identical to the original then drawn details (and samples) of these materials shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works. The development shall be carried out in accordance with the subsequently approved details and materials.
- 05 Reason: To maintain the architectural interest of the building.
- 06 Prior to commencement of works a sample panel of render with agreed paint finish shall be constructed for the consideration of the Local Planning Authority. When a panel has been completed that meets with the approval of the Local Planning Authority and such approval has been confirmed in writing, then the development hereby approved shall be finished in a manner identical to the approved panel.



- 06 Reason: To ensure the detailing and materials maintain the architectural interest of the building.
- 07 The new doors, windows and window detailing shall match exactly in type, design, materials and finish, those on the existing building. There shall be no variation unless first agreed in writing with the Local Planning Authority.
- 07 Reason: To protect the character and appearance of the building.
- 08 Details of the siting, design and method of fixing of any external meter boxes/metal ducting/flues to be provided shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The works hereby permitted shall be carried out in accordance with the approved details.
- 08 Reason: To protect the character and appearance of the (listed) building (and Conservation Area).
- 09 The introduction of services to the building and the extent of works require to provide service runs and meters within or outside the building are to be agreed in writing with the Local Planning Authority prior to commencement of the works on site. The works hereby permitted shall be carried out in accordance with the approved details. The following details shall be submitted to and approved in writing by the Local Planning Authority:
1. Insulation to walls and roof
  2. New flat roof construction to replace existing felt roof
  3. Dry lining or other damp proofing to walls and floor
  4. New services; plumbing, electricity, heating etc including routes into and within the building
- 09 Reason: To protect the character and appearance of the listed building.
- 10 Prior to the commencement of work, and following the grant of consent under the Building Regulations, the following details shall be submitted to and approved in writing by the Local Planning Authority. The works hereby permitted shall be carried out in accordance with the approved details.
- a) the means of upgrading the existing doors and frames to meet the prescribed fire safety standards and/or
  - b) the design and construction of any new fire doors/glazed screens
  - c) the means of upgrading the existing floors/walls to meet the prescribed fire and safety standards

d) the design, location and method of fixing any new fire prevention/detection system eg smoke detectors, alarms

10 Reason: To ensure that such details are appropriate to the character of this listed building.

1143. **REPLACEMENT FOUR BEDROOM DWELLING: REVISION TO PLANNING PERMISSION W17401/01 (PART RETROSPECTIVE) (W17401/03) – BUMBLE COTTAGE, SOBERTON**  
(Report PDC538 refers)

The Director of Development stated that since preparing the report, further written representation had been received from neighbours, and these reiterated points of objection as already contained within the report.

In the public participation part of the meeting, Mr Ansari and Mrs Bradly (representing Soberton Parish Council) spoke in objection to the application and Mr Tutton, agent, spoke in support.

At the invitation of the Chairman Councillor Campbell, a Ward Member, spoke on this item. In summary Councillor Campbell stated that the reasons for refusal were that the overlooking would be detrimental to the amenity of the neighbouring property, Newton Heath, and that the area for the turning of vehicles to the front of the property was severally restricted. The requirement was for vehicles to leave the site in a forward gear due to restricted sight lines on a busy and fast road. There was also the additional issues of detrimental impact on the street scene and that had the application been for its present position, the application would have been refused. She added that a short period of negotiation with the applicant to try to achieve an amended scheme would be beneficial before enforcement action was taken.

In considering the options before it, the Committee established that the hedge along the boundary side of the application site was not within the control of the applicant and therefore sightlines could not be improved. The highway engineer advised that highway reasons for refusal were not sustainable as, although restricted, there was sufficient room on site for manoeuvring of a vehicle to allow it to leave the site in a forward gear. The City Secretary and Solicitor explained that the costs which might be included in a potential costs claim against the Council would be those associated with bringing a planning appeal rather than the demolition of the property once enforcement action had been taken.

Following debate, the Committee agreed to refuse the application and that enforcement action be taken. In considering the reasons for refusal, the Committee agreed that the suggested highway reason for refusal (paragraph 2.1.2 of report PDC538) was not sustainable and that this should be deleted, but an additional reason for refusal based on the adverse impact on the street scene should be added. It was additionally agreed that enforcement action as set out in paragraph 3.2 (b) should be taken to require the whole structure to be removed, although it would still be possible for the applicant to

implement the original consent and build the dwelling in the originally approved location.

The City Secretary and Solicitor advised that if the applicant wished to undertake works to reduce the impact of the proposals, this would lead to a new planning application which would be put before Committee for determination.

RESOLVED:

1. That the application be refused for the following reasons:
  - (a.) The revised siting of the dwelling would cause unacceptable levels of overlooking and consequent loss of amenity to the occupiers of the adjoining dwelling;
  - (b.) The adverse impact of the dwelling on the street scene.
2. That enforcement action be taken to require the whole structure to be demolished.

1144. **DEVELOPMENT CONTROL APPLICATIONS**  
(Report PDC536 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 this item 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 this item as he was a member of the City of Winchester Trust, which had commented on this application and he spoke and voted thereon.

Councillors Bennetts, Beveridge, Evans, Johnston and Mitchell declared a personal and prejudicial interest in respect of item 4 as the application was from the Liberal Democrats of which they were all party members, and they withdrew from the meeting for consideration of this item.

In the public participation part of the meeting the following item was discussed:

In respect of item 2 – Kommetjie, Chapel Road, Soberton, Mrs Bradly representing Soberton Parish Council spoke in objection to the application and Mr Chalk spoke in support. Following debate, the Committee approved the application as set out.

In respect of items not subject to public participation, the Director of Development stated that in respect of item 4 – 20 Jewry Street, Winchester the City of Winchester Trust had raised no objection to the application.

In respect of item 5 – The Alma Inn, Alma Lane, Upham the Director of Development stated that further to the Committee’s last meeting, negotiation had taken place with the applicant (Whitbread Restaurants PLC) to establish whether the free standing sign to the front of the public house could be retained. The applicant had responded that they would be unwilling to support this. Following debate, the Committee agreed to refuse the application as it would have a detrimental impact the character of the countryside as the free standing sign to the front added to the character of the countryside and that the proposal would have an adverse affect on street scene. The detailed reasons for refusal were delegated to the Director of Development in consultation with the Chairman to complete.

**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 item 5 – The Alma Inn, Alma Lane, Upham, the application be refused as the application would have a detrimental effect on the character of the countryside and would have an adverse impact on the street scene, with detailed reasons for refusal being delegated to the Director of Development in consultation with the Chairman to complete.

1145. **VOTE OF THANKS**

This being the last meeting of the Municipal Year, the Committee passed a vote of thanks to its Chairman Councillor Busher. Councillor Busher responded by thanking the Committee and the Officers for their support over the last Municipal Year.

The meeting commenced at 2.00 pm and concluded at 5.30 pm

Chairman