

PLANNING DEVELOPMENT CONTROL COMMITTEE

26 May 2005

Attendance:

Councillors:

Busher (Chairman) (P)

Baxter (P)

Bennetts (P)

Beveridge (P)

Davies (P)

Evans (P)

Jefferies (P)

Johnston (P)

Mitchell (P)

Pearce (P)

Pearson (P)

Read (P)

Saunders (P)

Sutton (P)

Deputy Member:

Councillor Chapman (P)

Others in attendance who addressed the meeting:

Councillor Mather

Others in attendance who did not address the meeting:

Councillor Hammerton

38. **MEMBERSHIP OF SUB COMMITTEES**

RESOLVED:

That a meeting of the Planning Development Control (Chesil Street, Winchester) Sub Committee be held on Monday 20 June 2005 to commence at 10.00am in the Walton Room, Guildhall.

39. **PLANNING APPEALS**
(Report PDC547 refers)

RESOLVED:

That the report be noted.

40. **PLANNING DEVELOPMENT CONTROL (KNOWLE HOSPITAL) SUB-COMMITTEE**
(Report PDC544 refers)

The Committee considered the minutes of the meeting of the Planning Development Control (Knowle Hospital) Sub-Committee held on 9 May 2005 (attached as Appendix A to the minutes).

Further to the Sub-Committee meeting, the Director of Development reported that a draft Section 106 Agreement relating to the future maintenance of the Bus Gate was being discussed between Hampshire County Council and Berkeley Homes. The County had indicated that the Bus Gate was scheduled to be brought into commission from mid July 2005.

The Chairman stated that she had received a letter from Councillor Clohosey (a Ward Member) asking the Committee to ensure that the Bus Gate was brought into operation at the earliest opportunity.

RESOLVED:

That the minutes of the meeting of the Planning Development Control (Knowle Hospital) Sub-Committee held on 9 May 2005 be approved and adopted.

41. **PHASE 4A – ERECTION OF THREE 3 BEDROOM DWELLINGS WITH ASSOCIATED PARKING (DETAILS IN COMPLIANCE WITH OUTLINE PLANNING PERMISSION W14097/33) – W14097/43 – 05/01000/REM**
(Report PDC552 refers)

The Director of Development reported that the applicant (Berkeley Homes) had now submitted an amended scheme in respect of the proposal to build three 3 bedroom dwellings, which had reduced the dwellings in height to address issues of overshadowing. The amended scheme would be advertised and consultations will be taking place. A new recommendation would be submitted to the Committee following these consultations and therefore the above report was withdrawn.

RESOLVED:

That the withdrawal of Report PDC552 be noted.

42. **REVIEW OF THE PLANNING PROTOCOL**
(Report PDC545 refers)

The Committee agreed that in order to give proper consideration to the above report, it should first be discussed by an informal meeting of Planning Members, with any recommendations arising being submitted to a future meeting of the Committee.

Before taking this decision, the Committee had highlighted the following issues for further consideration:

- a) the showing of video clips of application sites at Committee;
- b) a clearer definition between the purpose of a site visit and a Sub Committee;
- c) the clear separation of decision making responsibilities for Members serving on both Planning Development Control Committee and Cabinet. The City Secretary and Solicitor stated that the guidance set out in paragraph 4.2 of the Protocol relating to lobbying of and by Members and attendance at public meetings was appropriate, but these issues could be revisited if Members so wished, although the principal point was that each decision should be made on its own individual merits.

RESOLVED:

That Report PDC545 be deferred for consideration at an informal meeting of the Committee, with a report on its conclusions to be submitted to a future meeting of the Committee for endorsement, prior to submission to the Standards Committee and recommendation to full Council for adoption.

43. **MRS SIAN PROUDLOCK – TEAM MANAGER (WEST)**

The Chairman informed Members that this would be the last meeting to be attended by Mrs Proudlock before she left the employment of the City Council. The Committee unanimously passed a vote of thanks to Mrs Proudlock for her work on behalf of the Council over many years and wished her every success for the future.

44. **DEVELOPMENT CONTROL APPLICATIONS**

(Report PDC550 and Report PDC553 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 Beveridge declared a personal (but not prejudicial) interest in respect of items 1 and 2 as he was a member of the City of Winchester Trust, which had commented on these applications, and he spoke and voted thereon.

Councillor Davies declared a personal (but not prejudicial) interest in respect of items 1 and 2 as he was a member of the City of Winchester Trust, which had commented on these applications, and he spoke and voted thereon.

In the public participation part of the meeting, the following items were discussed: in respect of items 1 and 2, Kingsmead, Kingsgate Road, Winchester, Mrs H Gaskell (applicant) and Mr G Tyrell (Architect) spoke in support of the application. At the invitation of the Chairman, Councillor Mather (a Ward Member) also spoke on this item.

In summary Councillor Mather stated that six letters of objection had now been received to this significant application which had now been referred to Committee. Some development was acceptable on this site, but the present proposals were too high in density being eighty dwellings per hectare, which was inappropriate. The scheme would introduce thirty three new residents to the area with resultant increases in road traffic at the junctions between Kingsgate Road and Norman Road and the busy junction between Kingsgate Road and Garnier Road. The proposals were not in keeping with the character of an area of Victorian villas and would damage the built environment. At present, a walk from the Cathedral area of the City to Kingsgate Road chronicled the development of the City through its various building phases over the years. The introduction of modern flats with their extensive use of glass would be incongruous with the Victorian villas. The large sycamore trees on the site would result in shading and raised the potential for subsidence to the new dwellings leading to applications to have them pruned or removed from the Conservation Area.

The Director of Development stated that one further letter of objection had been received highlighting concerns over the design of the new buildings; the over – development of the site, the impact on trees and traffic generation. Subject to details for cycle storage been submitted by the applicant for approval by the Local Planning Authority the Council’s Highway Engineer had no objection to the application.

Following consideration, the Committee agreed that in respect of item 1 planning permission be granted subject to a condition that the arrangements for storage and collection of refuse from the site be given further consideration. In respect of item 2, a condition be added requiring the nursery to be relocated before development commenced.

In respect of item 4 – 32 Brooklyn Close, Waltham Chase, Southampton, Mr Findlay spoke in objection to the application and Mr Glover spoke in support. Following debate the Committee supported the application as set out.

In respect of item 5 – 126 Oliver’s Battery Road South, Oliver’s Battery, Winchester Mr Forrest, applicant spoke in support of the application. Following debate the Committee agreed the application as set out.

In respect of item 6 – The White House, Queens Street, Twyford, Winchester, Mr Bowhill, agent, spoke in support of the application and against the officers’ recommendation for refusal.

The Committee also took into consideration Report PDC PDC533 relating to the listed building consent for this application. The meeting noted that Report PDC533 had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item onto the agenda, as a matter requiring urgent consideration, because of the need to consider the listed building consent in association with the application for the single storey rear extension, two roof lights at rear and work to the porch (amended plans).

In answer to Members questions, the Director of Development explained that if the applications were refused as set out, the issues raised by the unauthorised works on The White House would be discussed with the Council’s Enforcement Section and an appropriate course of action would be agreed. Following debate, the Committee agreed to support the officers’ recommendation to refuse the application in relation to item 6 and also that relating to the Listing Building Consent as contained within Report PDC 533.

In respect of items not subject to public participation, it was agreed that item 3 – 1 Ashburton Villas, Bishops Waltham be deferred to the Committee’s next meeting. This was because the Council’s Highway Engineer had reconsidered the application and was now of the view that the reasons put forward for refusal on highways grounds could not be substantiated at appeal and therefore a recommendation to approve the application would be submitted to the Committee’s next meeting.

In respect of item 9 – Sunny Banks, Victoria Road, Bishops Waltham, the Director of Development stated that two further letters of support had been received for the application. The Committee supported the application as set out.

Item 10 – Scrap Metal Yard, Bishops Lane, Shirrell Heath, had been withdrawn from consideration at the meeting at the request of the applicant.

45. **EXEMPT BUSINESS**

RESOLVED:

That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
46	Authority for legal action at Fir Tree Farm. Bishops Wood Road, Misingford.	Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:- (a) any legal proceedings by or against the authority, or (b) the determination of any matter affecting the authority, (whether, in either case, proceedings have been commenced or are in contemplation). (Para 12 to Schedule 12A refers). Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. (Para 14 to Schedule 12A refers).

46. **AUTHORITY FOR LEGAL ACTION AT FIR TREE FARM, BISHOPS WOOD ROAD, MISLINGFORD**

(Report PDC541 refers)

Councillor Evans declared a personal and prejudicial interest in respect of this item as she was a neighbour to the application site and she left the room for consideration of this item.

Councillor Pearson declared a personal (but not prejudicial) interest in respect of this item as he was a Member of Soberton Parish Council which had considered this item but he had not been party to these discussions and he stayed and voted thereon.

The Director of Development made reference to a letter that had been received from the occupier of Fir Tree Farm dated 25 May 2005 requesting that its contents be taken into consideration by the Committee in reaching its decisions. Following consideration, the Committee supported the recommendation as set out.

RESOLVED:

That the City Secretary and Solicitor be authorised to seek a County Court injunction requiring that the use of the land for residential purposes cease and that the mobile home be removed from the land.

The meeting commenced at 2.00pm and concluded at 6.10pm

Chairman

APPENDIX A

PLANNING DEVELOPMENT CONTROL (KNOWLE HOSPITAL) SUB-COMMITTEE

9 May 2005

Attendance:

Councillors:

Busher (Chairman) (P)

Bennetts (P)
Chapman
Clohosey (P)
Davies (P)

Evans (P)
Pearson (P)
Read (P)
Sutton

Deputy Members:

Councillor Mitchell (Standing Deputy for Councillor Sutton)

Officers in attendance

Mrs S Proudlock (Team Manager, Planning)
Mrs J Pinnock (Planning Officer)

47. **APOLOGIES**

Apologies were received from Councillor Sutton.

48. **PHASE 4 - ERECTION OF 40 NO. DWELLINGS COMPRISING OF 20 NO. ONE BEDROOM FLATS, 20 NO. TWO BEDROOM FLATS, PROVISION OF PUBLIC SQUARE AND ASSOCIATED CAR PARKING AND LANDSCAPING (DETAILS IN COMPLIANCE WITH OUTLINE PLANNING PERMISSION W1097/33) – W1497/42/ - 05/00912/REM**

The Sub-Committee met at the Chapel, Knowle Hospital, Wickham. The Chairman welcomed to the meeting approximately fifteen members of the public, together with representatives of the applicant, Berkeley Homes.

Mrs Proudlock explained that the application was retrospective in that an identical application had been approved by the City Council in 2003 subject to the satisfaction of the County Council over the provision and future maintenance of a bus gate.

The bus gate was a control system of telescopic bollards that could be raised and lowered automatically by sensors on buses as they passed over. The bus gate was located at the entrance from Mayles Lane into The Square, Knowle Hospital and would only be used by buses. Berkeley Homes had installed a bus gate as required. However, the County Council was not satisfied with the future maintenance proposals of the bus gate. Hampshire County Council's legal advisors had taken a cautionary approach as the bus gate was the only one of its type to be installed in Hampshire and therefore the County Council needed to be satisfied that its future maintenance would be secured. Berkeley Homes had asked Hampshire County Council to adopt it but Hampshire County Council had not supported this course of action due to its concerns over future maintenance. Negotiations between the two parties were protracted, and Berkeley Homes had submitted this new identical application in order that the matter be forced and a suitable agreement be reached. Hampshire County Council have now re-opened negotiations by suggesting that a Section 106 legal agreement could be entered into between Hampshire County Council and Berkeley Homes to secure the future maintenance of the bus gate.

Mr Shepherd, representing Berkeley Homes, stated that Berkeley Homes would be pleased to discuss the matter with Hampshire County Council to ensure that the bus gate was operational at all times in perpetuity. It was Berkeley Homes' intention that the charge for the bus gate's future maintenance would be met by the management company formed from the residents of the Knowle Hospital development. The management company would also be the successors in title to Berkeley Homes once the Section 106 Agreement had been signed.

In reply to Members' questions, Mrs Proudlock explained that it had been necessary to install a temporary barrier at the access road to The Square from Mayles Lane as the buses operating on the Mayles Lane route were already fitted with the technology to operate the bollards. Occasionally the buses had caused the bollards to lower to the floor, but because the bus did not pass over the bollards failed to rise, leading to the entrance to Knowles Hospital at Mayles Lane to be open and operational to regular vehicular traffic.

Members of the public commented that the bus gate had been installed for approximately twelve months and buses had been unable to enter due to the failure to secure an agreement on future maintenance. It was explained that the lack of use of the route to Knowle Hospital was not known, although the bus company could in theory operate the system. Officers had initially been advised that the bus company would operate this route from April 2005. Even though the route through Knowle Hospital would add approximately ten minutes to journey times, it was also noted that Hampshire County Council was intending to provide a small subsidy to the bus companies for the extra time taken. It was not known whether this subsidy was delaying the bus company operating the route..

The Chairman of the Residents Association added that the loop intended for circulating the bus route through the Knowle Hospital development was not complete and that additional rising and falling bollards were also located outside of the shops; these would also need to be taken into consideration when Hampshire County Council adopted the highway.

In reply Mr Shepherd stated that the loop route through Knowle Hospital would be constructed to a standard to be adoptable by Hampshire County Council. The loop would be completed once the construction of Phase 3 of the development was finished in August 2005, but the loop could be used previous to that if required.

A resident also commented that he would favour Hampshire County Council adopting the maintenance of the bollards, as at present he would have to pay twice, once through Council Tax to Hampshire County Council for highways and transport provision and secondly through the Residents' Management Charge at Knowle Hospital.

In conclusion, the Sub-Committee supported the speedy resolution to the completion of the Section 106 Agreement between Hampshire County Council and Berkeley Homes over the future maintenance of the bus gate to allow buses to operate the loop route at the earliest opportunity. The officers were also asked to check whether the rising and falling bollards in the Central Square also need to be included as part of any legal agreement. The Sub-Committee requested that a further update on progress be reported to the next meeting of the Planning Development Control Committee.

RESOLVED:

That the officers report to the next meeting of the Planning Development Control Committee on progress over the signing of a Section 106 Agreement between Hampshire County Council and Berkeley Homes over the future maintenance of the bus gate as outlined above.

49. **PHASE 4A – ERECTION OF 3 NO. THREE BEDROOM DWELLINGS WITH ASSOCIATED PARKING (DETAILS IN COMPLIANCE WITH OUTLINE PLANNING PERMISSION W14097/33) – W14097/43 – 05/01000-REM**

Mrs Pinnock explained that the application was for the provision of 3 three bedroomed units to the front of East Mews within Phase 4A of the Knowle Hospital development. The proposal had been advertised with the close of public representation being 19 May 2005. She was therefore unable to report on consultation received until the expiry of the consultation period.

However, a similar application had been previously assessed by the Sub Committee when it had been included as 2 three bedroom houses as part of Phase 4. At that time, in 2003, the Sub-Committee had supported the officers' advice that the space proposed for the dwellings would be better integrated into the adjacent proposed car park (minutes of the meeting of the Knowle Hospital Sub-Committee held on 13 June 2003 and Report PDC.330 refer). The application had since proceeded with the dwellings not included.

Mr Shepherd for Berkeley Homes explained that the developer had been unable to understand why the units had been excluded at that time. The proposals related to the formal square and would provide balance to the development. Views from vantage points would be preserved by existing archways. Mr Shepherd added that the existing space was not required for car parking as the scheme already provided surplus car parking, with three spaces being unallocated.

In response to Members' questions about possible overlooking from the proposed dwellings of properties in Knowle Avenue, Mrs Pinnock explained that the proposals would not present material overlooking but of more concern would be issues of overshadowing and loss of amenity.

Members of the public commented that when purchasing their properties they had been advised that the area proposed for the three dwellings would be utilised for car parking. What was proposed would result in overlooking and would be out of character with surrounding dwellings. There was not an over-provision of car parking as there was already evidence of indiscriminate parking on pavements and roads at peak times.

Mrs Proudlock added that the provision of 2 three bedroom houses had been taken out of Phase 4A, and the developer advised that the area would be suitable for car parking or public open space, but this had not been tied down as part of the consent.

In conclusion the Sub-Committee asked that a report on the application be submitted to the next meeting of the Planning Development Control Committee, to include the results of formal consultation and an officer recommendation for Members' consideration.

The meeting commenced at 7.00 pm and concluded at 8.10 pm.

Chairman