

PLANNING DEVELOPMENT CONTROL COMMITTEE

23 June 2005

Attendance:

Councillors:

Busher (Chairman) (P)

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

Mitchell (P)
Pearce
Pearson (P)
Read (P)
Saunders (P)
Sutton (P)

Others in attendance who addressed the meeting:

Councillor Coates (P)

117. **APOLOGIES**

Apologies were received from Councillors Baxter and Pearce.

118. **MEMBERSHIP OF SUB-COMMITTEES ETC**

RESOLVED:

1. That a Planning Development Control (Bugle Inn, Twyford) Sub-Committee be established to consider and recommend to the Planning Development Control Committee on the application for residential accommodation at the Bugle Inn, Twyford.

2. That Councillors Bennetts, Beveridge, Busher, Davies, Johnston, Pearson, Read, Saunders and Sutton be appointed to serve thereon.

3. That a meeting of the Sub-Committee be held on Monday 4 July at 9.30 am on site to be followed by a public meeting at 11.00 am.

119. **PLANNING APPEALS (WEST) – SUMMARY OF DECISIONS**

(Report PDC558 refers)

RESOLVED:

That the report be noted.

120. **ROYAL OBSERVER CORPS, WORTHY ROAD, WINCHESTER**
(Report PDC562 refers)

In the public participation part of the meeting, Mr Holmes, Agent, spoke on this item.

In summary he stated that the scheme's viability was threatened by the two provisos in the legal agreement which the Council sought, to ensure the long term maintenance of the listed building and the repair of the listed building, before the first new build dwelling was occupied.

The scheme involved not just the repair of the listed buildings but their expensive conversion to residential accommodation. To be unable to sell any of the new build properties within the scheme before the conversion of the listed buildings was completed was an onerous burden on the financing of the development.

In addition requiring the future maintenance of the listed building be secured by means of a section 106 agreement was not in accordance with Government advice as listed buildings were protected by legislation which should itself be adequate for such purposes. As the conversion of the listed building would not in effect be a multi-occupancy situation, the proposals to secure maintenance through a Section 106 Agreement would deter people from purchasing the properties.

Without these issues being resolved planning permission would not be granted and there had already been a 2 month delay since this item was determined at the Committee.

In response the Director of Development stated that the Conservation Officer had considerable concern that after conversion the listed buildings would not remain in a satisfactory condition. This could be best dealt with by a Section 106 agreement to set up a management company. Should the Section 106 Agreement not be signed then the only powers to the Council to ensure the repairs to the listed building would be through the route of a Repairs Notice, which could lead to a Compulsory Purchase Order. The applicant had not objected to the Section 106 Agreement until the Committee had determined the application, and had only then indicated that they would be unwilling to sign the agreement.

In answer to Members' questions the Director of Development stated that the Council would not be in favour of allowing a number of the new build properties to be sold before a threshold was triggered for the repair of the listed building, which would improve the cash flow for the developer. The Council was aware of examples where this approach had been taken and the threshold had not been reached resulting in repairs to the listed building not being completed. Officers considered that the requirement to repair the listed building could be dealt with by condition and did not need to be included within the Section 106 agreement.

The City Secretary and Solicitor added that a letter had been received from the solicitors acting on behalf of the applicant indicating that the applicant would be willing to enter into a Section 106 Agreement but as yet a draft agreement had not been sent, because the applicant had stated they disagreed with the heads of terms of the agreement as set out in the previous committee report.

Following debate, the Committee agreed that the repair of the listed building should be secured by condition, requiring that all the repair work to the listed building be carried out before the new buildings are occupied; secondly the maintenance of the listed building should be included within a Section 106 Agreement and that the City Secretary and Solicitor and Director of Development be authorised to negotiate the terms of the agreement with the applicant to ensure the long term maintenance of the listed building in the most suitable way.

RESOLVED:

1. That the repair of the listed building be carried out before any of the new build buildings are occupied and that this be secured by a Grampian Condition.

2. That the long term maintenance of the listed building be secured by a Section 106 Agreement to include the formation of a Management Company, or such other method as can be agreed to the satisfaction of the City Secretary and Solicitor and the Director of Development.

121. **DEVELOPMENT CONTROL APPLICATIONS**
(Report PDC560 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 items 7 and 8 as he was a member of the Council of the City of Winchester Trust who had commented on these applications. These items were however deferred and no discussion took place thereon.

Councillor Beveridge declared a personal (but not prejudicial) interest in respect of items 7 and 8 as he was a member of the City of Winchester Trust who had commented on these applications. These items were however deferred and no discussion took place thereon.

Councillor Evans declared a personal and prejudicial interest in respect of item 9 as she was a local resident and her husband had objected to the application and she left the room for consideration of this item.

Councillor Pearson declared a personal (but not prejudicial) interest in respect of items 9 and 13 as he was a member of Swanmore Parish Council, but he was not on the Parish Planning Committee that had considered these applications, and he spoke and voted thereon.

Councillor Saunders declared a personal and prejudicial interest in respect of item 2 as she was married to the Managing Director of the Acoustic Consultancy Company that had given advice on the application and she left the meeting during consideration of this item.

Councillor Busher declared a personal (but not prejudicial) interest in respect of item 2 as she was personally acquainted with those involved in the application, but she

had no personal involvement with the application itself and she spoke and voted thereon.

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

In respect of item 2 – Priory Park, Elizabeth Way, Bishops Waltham Mr Hayter spoke in objection to the application and Mr Rogerson, representing Bishops Waltham Parish Council, spoke in support. The Director of Development circulated at the meeting an additional written representation from Mr Hayter referring to his correspondence with the Council's Environmental Health Section in respect of the proposal's ability to meet the requirements of Plan Policy DP15/PPG24. The Committee took this into account in its consideration of the application.

The Chairman reported that Councillor Hammerton, a Ward Member, had also expressed her support for the scheme although she was unable to be in attendance. Following debate, the Committee supported the application as set out subject to inclusion of conditions that the provision of drainage on the site needed to be satisfactory and that the disabled access footpaths should be provided with a surface that would allow access for wheelchairs and pushchairs but would discourage skateboarding on the paths.

In respect of item 4 – 1 Ashburton Villas, Winchester Road, Bishops Waltham, Mr Conroy spoke in support of the application. Following debate the Committee approved the application as set out.

In respect of item 5 – St Peters Parish Church, School Hill, Soberton, Mr N Chapman spoke in support of the application. The Director of Development circulated at the meeting a further letter of representation in support of the application received from the Church Wardens and PCC, St Peters Church, Soberton. The Director of Development stated that the Conservation Officer would prefer that the extension be turned at 90 degrees to run along the side of the church. However, following debate it was established that this would not be supported by English Heritage or the Diocesan Advisory Committee who supported the current application as set out. After taking into account the representations received and the views of English Heritage and the Diocesan Advisory Committee together with representations from the public speaker on the urgent need for the facilities within Soberton and Newtown the Committee agreed to approve the application as set out.

In respect of item 9 – Hawks Nest Farm, Bishops Wood Road, Misingford, Fareham Mr Tutton, Agent spoke in objection to the application and Mr Wheeler and Mr Fitzgerald spoke in support. The Director of Development stated that since preparing the report the results from consultations had now been received from Environmental Protection. Environmental Protection had no adverse comments provided that the scheme was internally insulated to reduce noise emission and that an acoustic report on the noise from the refrigeration plant was received by the local planning authority. These issues would be covered by condition. There had also been additional letters of objection reiterating points already contained within the report.

The Committee welcomed the suggestion made by Mr Wheeler in his presentation that the applicant would be willing not to increase the number of vehicles on the site in excess of those contained within its present HGV operating licence. Therefore it was agreed that an additional condition be included that the number of vehicles on the site be limited to those within the terms of the HGV operator's licence. Subject to the inclusion of this additional condition the Committee approved the granting of planning permission as set out.

In respect of item 11 – 22 Langton Road, Bishops Waltham Ms O’Leary spoke in objection to the application and Mr Pride, Agent, spoke in support. The Director of Development reported that a letter had been received from the applicant stating that they no longer had an interest in a parcel of land following its sale, but as no map had been enclosed with the letter the Director was unable to ascertain whether this related to the application site. In addition, a response to consultations had been received from Southern Water who had no adverse comments about the application.

The Chairman, who was also a Ward Member, stated that 22 Langton Road, Bishops Waltham had previously been affected by flooding. Although no adverse comments with respect to drainage had been received from the Environmental Agency or Southern Water the Committee agreed that an informative be added to the consent that flooding had been a problem in the past and that the applicants should satisfy themselves about any considerations that may be desirable in regard to its possible future recurrence.

Following debate, the Committee agreed the application as set out subject to the inclusion of the informative regarding drainage as outlined above.

In respect of item 12 – West House, South Hill, Droxford, Southampton Mr Matthissen spoke in objection to the application and Mr Moody, Agent, spoke in support. The Director of Development stated that four letters of objection to the application had now been received and, in response to consultation, the Environment Agency and Southern Water had no adverse comments.

At the invitation of the Chairman, a Ward Member, Councillor Coates spoke on this application. In summary he clarified that West House now had a large double garage within its curtilage. Although it was referred to in the officer’s presentation as a sunken garden, the application site was on raised land and was a former tennis court. Issues of concern were overlooking of neighbouring properties including Aberdare, which was owned by Mr Matthissen, the public speaker in objection to the application, and also the affect on trees on the site and the setting of Grove House. A less bulky development was required which would not compromise West House or lead to overlooking.

In reply to the points raised by the public speakers and Councillor Coates, the Director of Development stated that condition 6 stated that no development should take place until details of earthworks had been submitted to and approved in writing by the local planning authority. This was to ensure that the levels on the site could be properly assessed before development commenced.

Following debate, the Committee agreed that the scheme would benefit from deferral in order that details relating to the levels on the site could be submitted to the local planning authority in advance of any granting of planning permission. This would allow negotiation to take place with the applicant to ascertain whether an improved scheme could be achieved in terms of the relationship of the proposed dwellings to the neighbouring property.

In respect of item 13 – Fortunes, Vicarage Lane, Swanmore, Southampton Mr Illingworth spoke in objection to the application and Mr M Hawthorne, Agent, spoke in support. The Director of Development updated the meeting that plot 1 had now been reduced in size and proportion, but this had not overcome the objections of

neighbours. Additional representation had also been received in objection to the application which reiterated points as set out in the report.

The Chairman stated that she had received a letter from Councillor Campbell, a Ward Member, which supported the views of objectors and she had concerns about the potential for overlooking from the development. Following debate, and in approving the granting of planning permission, the Committee agreed that additional conditions be included that the hedge neighbouring 1 Vicarage Lane be cut to an appropriate height following consultation with the Council's Landscape Officer and that landscaping be incorporated on the boundary to the open countryside to the northwest of the application site.

In respect of item 14 – Regal House, Upham Street, Upham, Southampton Mr Packer, Agent, spoke in support of the application against the recommendation for refusal. Following debate, the Committee supported the recommendation for refusal.

In respect of item 15 – Phase 4, Berkeley Homes, Mayles Lane, Knowle Mr R Shepherd, Agent, spoke in support of the application. The Director of Development reported that 5 further letters of representation had been received stating that the amended plans did not overcome neighbours' objections and that the site should remain as overflow car parking.

The Chairman stated that she had received correspondence from Councillor Clohosey, a Ward Member, who stated that the site was too small for 3 dwellings, that it was better kept as open car parking and that neighbouring property owners had bought their properties on the understanding that the area would remain as an open area.

Following debate, the Committee agreed to refuse the application with authority for detailed reasons for refusal being delegated to the Director of Development in consultation with the Chairman, based on the principles that the site was too small to accommodate 3 dwellings, the effect on the amenity of neighbouring properties in that the site was better kept as open car parking, the over shadowing effect of the new property on its own amenity area and overlooking from the adjacent block.

In respect of items not subject to public participation, the Director of Development stated that in respect of item 3 – Headquarters, Little Shore Lane, Bishops Waltham the words "shall be removed" should be inserted after the word "container" within condition 1.

In respect of item 6 – Aestivalis, 4 Russett Close, Swanmore the application was approved subject to the inclusion of an additional condition that if the replacement tree should die within a period to be specified by the Council's Arboricultural Officer then it should be replaced.

Items 7 and 8 The Pightle, Kingsgate Road, Winchester were deferred for further consultation between the local planning authority and the applicant for clarification of issues regarding the trees on the site in the Conservation Area.

In respect of item 16 – 2 Broadview Lane, Oliver's Battery, Winchester, the Committee approved the application as set out subject to the inclusion of an additional condition that full and detailed drawings showing layout and the elevations should be received to the satisfaction of the local planning authority.

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 12 – West House, South Hill, Droxford, Southampton the application be deferred in order that details relating to the levels on the site could be submitted to the local planning authority to allow negotiation to take place with the applicant to ascertain whether an improved scheme could be achieved in terms of the relationship of the proposed dwellings to the neighbouring property.

3. In respect of item 15 –Phase 4, Berkeley Homes, Mayles Lane, Knowle the application be refused with authority for detailed reasons for refusal being delegated to the Director of Development in consultation with the Chairman based on the principles that the site was too small to accommodate 3 dwellings, the effect on the amenity of neighbouring properties in that the site was better kept as open car parking and the over shadowing effect of the new property on its own amenity area.

The meeting commenced at 2.00 pm and concluded at 8.40 pm

Chairman