

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**14 November 2008**Attendance:

Councillors:

Jefferies (P)

Barratt (P)

Baxter (P)

Busher

Fall

Huxstep (P)

Johnston

Lipscomb (P)

Pearce (P)

Ruffell (P)

Tait

Deputy Members

Councillor Evans (Standing Deputy for Councillor Johnston)

Others in attendance who addressed the meeting:

Councillors Higgins and Pines

Officers in Attendance:

Mr D Dimon (Principal Planning Officer)

Ms F Sutherland (Planning Solicitor)

Mr N Culhane (Highways Engineer)

Mr S Dunbar-Dempsey (Open Space Project Officer)

Mr M White (Conservation Officer)

1. CHAIRMAN'S ANNOUNCEMENT

The Sub-Committee met at Winchester Guildhall, where the Chairman welcomed to the meeting approximately 25 local residents, together with representatives of the applicant.

2. LAND ADJACENT TO ST JOHNS CROFT, BLUE BALL HILL, WINCHESTER - CASE NUMBER 08/01657/FUL
[\(Report PDC770 refers\)](#)

Councillor Lipscomb 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. However, he had taken no part in the Trust's consideration of the item.

Councillor Lipscomb also declared a personal (but not prejudicial) interest as, through the City of Winchester Trust, he knew the owner of one of the properties Members visited on their site visit prior to the meeting (The Old Blue Boar, St Johns Street). He spoke and voted thereon.

The application had been considered by the Planning Development Control Committee meeting held on 23 October 2008. At this meeting, Members agreed that the application should be determined by the Planning Development Control (Viewing) Sub-Committee, following a site visit, to consider in further detail its effect on St Martins Close, the surrounding Conservation Area and long distance views; the levels of the site; whether the application would be overbearing; the status of the trees to be removed and highways issues.

Therefore, immediately prior to the public meeting, the Sub-Committee viewed the site from:

- The Old Blue Boar, St Johns Street,
- 47 St Martins Close
- 1 Alresford Road
- Joyce Gardens
- and the parking situation in St Johns Road

Within the site, Members noted:

- the proposed footprints of the buildings, which had been marked out,
- their height (which was demonstrated with poles to illustrate the eaves height and a balloon to illustrate the ridge height)
- the trees and vegetation to be removed (which had been marked by the applicant)
- the access onto Blue Ball Hill
- the topography of the site
- the site's relationship with surrounding buildings and the St Martins Close play-area
- the views over Winchester town centre (and therefore by implication, the likely view of the site from the town)

Councillors Higgins and Pines (as Ward Members) accompanied the Sub-Committee on the visit, together with officers and representatives of the applicant.

At the subsequent public meeting in the Guildhall, Winchester, Mr Dimon introduced the application to the Sub-Committee.

The application site was a small field of 0.41 ha within the Conservation Area and was adjacent to the Grade II* listed building St John's Croft and opposite the small public open space area of Joyce Gardens.

The site was located at the junction of Blue Ball Hill, Magdalene Hill and Alresford Road.

The boundaries were shared to the north with the rear gardens of 45-50 St Martins Close, to the east by the rear gardens of St Johns Road, the south by Alresford Road and Blue Ball Hill and to the west by an old garden wall, which divided the site from the remaining curtilage of St Johns Croft.

The character of the area was defined by substantial tree belts and its topography, as it was part of the north-western, lower slopes of St. Giles Hill. Development in the area comprised a mix of Victorian terraces and larger individual houses, some of which were listed buildings.

There was an existing field gate access to the site in the south west corner, adjacent to St Johns Croft, and the application proposed to upgrade this with a road along the walled boundary with St Johns Croft, before entering into the central courtyard. The existing vegetation would be removed to facilitate this access.

The application proposed an 'L' shaped terrace of 14 dwellings, sited towards the north east corner of the site. The two sides of the 'L' were to be aligned to the northern and eastern boundaries respectively.

The area contained between the two sides of the development would form a central courtyard and turning space, around which the applicant proposed four groups of parking bays providing 17 spaces. The right angled corner of the two sides of the development contained a vehicular access through the building, leading to a further parking court area and bin store behind, adjacent to the existing children's play area in St Martins Close. This boundary with the play area would be marked with a new brick and flint wall. This parking court area provided an additional seven parking spaces (therefore the total parking provision proposed was 24 spaces).

The terraced development comprised 1 x one bed apartment, 4 x two bed apartments, 2 x two bed houses, 3 x three bed houses and 4 x four bed houses. The buildings were mostly in two storey form, but some included the second floor accommodation within their roofs, served by dormer windows.

Rear garden depths were between 10.5 and 11.5 metres to the northern boundary with properties in St. Martins Close and from 8.6m to 10.5m between the eastern arm of the terrace and properties in St. Johns Road.

During the public participation element of the meeting, Mr Battye and Councillors Pines and Higgins spoke against the application and Mr Petter (on behalf of the applicant) spoke in support.

Mr Battye illustrated to the Sub-Committee, (using a computer generated three-dimensional model) the likely effect of the application on the surrounding area. In summary, this highlighted the height and nature of the proposed buildings relative to the topography of the site and neighbouring buildings. He added that, because they were massed on the highest part of the site and, in part, due west of 1 Alresford Road, they would detrimentally affect light to that

property. He further considered that the application was unsympathetic to, and did not reflect or enhance, the Conservation Area, nor the setting of listed buildings. He considered that there would inevitably be an overspill of parking from the development and that it would impact on St Johns Road (the nearest permit-free parking area), worsening an already problematic situation. Mr Battye therefore asked that the Sub-Committee refuse the application and set out a number of planning policies which reflected the above concerns.

In summary, Councillor Pines explained that the Local Plan Inspector had agreed that the site was capable of development and that this view was broadly accepted by the local community. However, the Inspector had recommended that any development should take account of the character and appearance of the Conservation Area and it was Councillor Pines' view that this had not been satisfactorily addressed with this application.

Councillor Pines commented on the applicant's decision to place the majority of the development on the highest part of the site. Although this was likely to afford the new occupants a fine view of the town, it also meant that the development would be visible from some distance away and would loom over the existing properties in St Martins Close. He therefore suggested that the scale and massing of the development was not in harmony with surrounding buildings and that this effect would be worsened by the removal of some trees. He added that the proposed replacement trees would take many years before they were able to screen the development.

He also highlighted the importance of Blue Ball Hill as a major pedestrian and cycle link between the town centre and Winnall. Therefore the additional traffic the development would generate would increase the potential for accidents.

In conclusion, Councillor Pines recommended that the application be refused, but that the applicant be invited to submit a different scheme for the development of the site.

Councillor Higgins echoed the concerns raised by Councillor Pines and Mr Battye.

Mr Petter spoke in support of the application. In summary, he highlighted the applicant's careful analysis of the site's limitations and that the mass and style of the proposed buildings (through their pitched roofs and chimneys and pallet of local materials) reflected the character of the area well. He explained that the development would lead to a net gain of 23 trees and that the skyline of Winchester would be unaffected by the proposal. He also commented that the application would achieve Level 4 of the Code for Sustainable Homes and that the area of hard standing was minimised through the use of permeable materials.

In response to questions, Mr Dimon explained that the education contribution requirement reflected the County Council's policy to mitigate the effect of developments, where there was a known shortage of education provision.

The Sub-Committee noted the applicant's proposal to create 14 dwellings, which came under the 15 dwellings threshold for an affordable housing requirement. Mr Dimon explained that, given that the density of development was an acceptable 34 dwellings per hectare, officers had not sought an increased number.

Members also commented on the impenetrability of the site, in that it did not provide a pedestrian link to the adjacent St Martins Close play area. In response, Mr Dimon explained that the design of the proposed buildings required that such a link would need to utilise the Undercroft access to the parking area and that the applicant considered this to be unacceptable in security terms. Any footpath to the play area would also transverse the car parking area to the rear, which Mr Dimon considered would create potential pedestrian-vehicle conflict.

The Sub-Committee noted the comments of the Eastleigh and Winchester Architects' Panel against the application. In response, Mr White explained that he considered the scale and style of the development to be in keeping with the Conservation Area. He considered that there was no particular reason why the site should be developed in a contemporary style (as advocated by the Panel) over the applicant's proposed traditional style.

Members noted Mr White's comments that the principal benefit of the site to the Conservation Area was its tree cover. In response to questions, Mr Dunbar-Dempsey confirmed that the Council concurred with the applicant's assessment of the status of the trees and that it was accepted that some of the mature trees (particularly those located in the north of the site by the play area) were unhealthy and required removal and replacement.

Members also discussed the impact of the proposed development on surrounding properties. Mr Dimon explained that, given the distances of the development to existing properties, officers had concluded that it was unlikely that there would be any problems regarding loss of light. Therefore, they had considered a full sunlight/daylight assessment to be unnecessary.

In response to questions, Mr Culhane explained that one of the proposed conditions was a Grampian-style condition that required an amendment to the existing Traffic Regulation Order. This would seek to remove parking spaces either side of the proposed access to increase visibility, prior to commencement of development. The amendment of the Traffic Regulation Order was a decision to be made elsewhere by the Council and that the relevant decision making body would only consider those matters that were material to the Order. Mr Crisp added that the change to the Order was likely to increase the number of parking spaces in the area, through the introduction of more efficient echelon parking bays.

At the conclusion of debate, the Sub-Committee agreed that development did not enhance the character of the Conservation Area. Its scale and location on the highest part of the site would make the development visible and would have a detrimental effect on Winchester's skyline from long distance views.

Members also agreed with the Architects' Panel, who considered the development a missed opportunity and an over-development of the site.

Members considered that the design and scale of the application did not respond positively to the surrounding area and that the bulk of proposed buildings would have an unacceptable overbearing impact on neighbouring properties. They also agreed that the application would have an unacceptable impact on neighbours' amenity and, in particular, the loss of light to the kitchen window of 1 Alresford Road.

The Sub-Committee concluded that the proposed loss of trees to facilitate the access would open the scheme up to views from Blue Ball Hill and that this would detrimentally affect the setting of the listed property, Old Blue Boar.

Therefore the Sub-Committee agreed to not grant planning permission and to refuse permission due to their concerns that:

- The application, in terms of its design, scale and layout did not respond positively to the character of the area (DP3)
- The application would detrimentally affect the skyline features of the town (DP4 refers)
- It failed to contribute to maintain or enhance the visual and environmental character of the area (DP5 refers)
- That the application detracted from the character of the Conservation Area (HE4 and HE8 refers)
- That the application was detrimental to the setting of listed buildings (HE16 refers)
- That the height, massing, material, plan form, roofscape and grouping of the buildings were not in scale and harmony with adjoining buildings (HE5 refers)
- together with reasons relating to failure to provide public open space payment, maintenance of the common parts, the education and transport contribution and the inadequacy of visibility splays.

The Sub-Committee therefore delegated authority to the Head of Planning Control, in consultation with the Chairman, to agree the detailed wording of the reasons for refusal, based on the above.

RESOLVED:

That planning permission be refused and that delegated authority be granted to the Head of Planning Control, in consultation with the Chairman, to agree detailed reasons for refusal based on the Sub-Committee's concerns that:

- a) The application, in terms of its design, scale and layout did not respond positively to the character of the area (DP3)
- b) The application would detrimentally affect the skyline features of the town (DP4 refers)

- c) It failed to contribute to maintain or enhance the visual and environmental character of the area (DP5 refers)
- d) That the application detracted from the character of the Conservation Area (HE4 and HE8 refers)
- e) That the application was detrimental to the setting of listed buildings (HE16 refers)
- f) That the height, massing, material, plan form, roofscape and grouping of the buildings were not in scale and harmony with adjoining buildings (HE5 refers)
- g) together with reasons relating to failure to provide public open space payment, maintenance of the common parts, the education and transport contribution and the inadequacy of visibility splays.

The meeting commenced at 11.20am and concluded at 12.50pm.

Chairman