

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**9 March 2009****Attendance:**

Councillors:

Jeffs (Chairman) (P)

Barratt (P)
Baxter (P)
Busher (P)
Fall
Huxstep (P)

Johnston (P)
Lipscomb
Pearce (P)
Ruffell (P)
Tait (P)

Officers in Attendance:

Mr J Hearn (Planning Development Control Team Leader)
Ms F Sutherland (Planning Solicitor)
Mr Ivan Gurdler (Environment Officer (Grounds))
Ms Z Croad (Conservation Officer)
Mr P Aust (Drainage Engineer)

1. CHAIRMAN'S ANNOUNCEMENT

The Sub-Committee met at Winchester Guildhall, where the Chairman welcomed to the meeting Mr Loader from Itchen Valley Parish Council, together with four representatives of the applicant.

2. CHILLAND MILL, LOWER CHILLAND LANE, MARTYR WORTHY – CASE NUMBERS 08/02134/FUL AND 08/02135/LIS
(Report PDC788 [a](#) & [b](#) refer)

Councillor Baxter declared a personal (but not prejudicial) interest in respect of these applications, as he knew both the Parish Council representative that spoke (Mr Loader) and an objector that spoke at the previous meeting (Mr Harris). He spoke and voted thereon.

Councillor Jeffs declared a personal (but not prejudicial) interest, as he knew Mr Harris' wife through the Winchester Conservative Association. He spoke and voted thereon.

Councillor Johnston declared a personal (but not prejudicial) interest, as he knew Mr Harris through their work together on the Winchester and District Savers Scheme. He spoke and voted thereon.

The applications (a full planning application and listed building application) had been considered by the Planning Development Control Committee meeting held on 17 February 2009. At this meeting, Members agreed that the application should be determined by the Planning Development Control (Viewing) Sub-Committee, following a site visit.

The site visit would assess in further detail the proposed layout and how it affected its immediate environment; along with features of the design, such as the metal fence, glass bridge and proposed changing room. Members had also requested that samples of the proposed materials be available for inspection by the Sub-Committee.

Therefore, immediately prior to the public meeting, the Sub-Committee viewed recent development to the rear and side of Lower Chilland House, Chilland Mill and the Eel House within the application site. It also considered the site's relationship with the highway and public footpath that fronted Chilland Lane. Members also viewed recent development which had planning permission and which had now been constructed, so that they could assess the proposed scheme in the context of the overall development.

Within the application site, Members noted the trees and vegetation to be removed to secure the position of the new changing rooms and the glass bridge (which had been marked on site by the applicant); the new entrance and positioning of the metal fence; the site's relationship with trees, watercourses and surrounding buildings, including Chilland Ford, which was opposite the application site, and the proposed materials that were displayed.

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

He explained that originally this application included proposals for a garage and restoration of the water turbine within the mill; however these elements had been withdrawn from the proposals. The Sub-Committee noted that permission already existed for a (yet to be constructed) garage to the south west of the Mill, on a site formerly occupied by a derelict boathouse parallel with the public footpath. It was understood that the applicant did not wish to implement the permission for the garage and instead proposals for a revised garage would form part of a future application.

The Mill was two storeys and was proposed to include a mezzanine floor within the central bay. A currently bricked up window would be reopened at first storey level, to supplement an existing window, and increase the amount of light in the gym area. The gym area (which was at ground floor level) would be two storeys in height and there would be no overlooking from the first floor windows, due to their height from the ground floor. The Mill was included on the Buildings at Risk Register for the District, priority category "D".

The Eel House, which was located to the south of the Mill, was proposed to be re-clad with new timber and alterations to its fenestration. Its future use was not stated, but it could be used as place to sit, or to fish from.

Mr Hearn explained that outside of the site, there was a well-used public footpath which passed along the western side of the Mill and the river and linked through to the village of Easton. There were open views into the site from the south as the footpath crossed the river. There was also another public footpath that ran along the immediate north of the site, behind a high brick wall. The new entrance onto Chilland Lane would be set back and would be adjoined by metal fencing, which would be set back considerably from alignment of the existing timber fence. The new fence would support climbing plants and there would be significant new planting between the new fence and the road/footpath.

The separate pavilion (changing block) building would be linked to the north elevation of the Mill by an enclosed glass bridge over the mill stream. The changing rooms would be of materials that would lead to it being dark and recessive, so that it would not be visually prominent. The glass bridge would be lit by two ground lighters and these would be subject to condition on their timing, and it was understood that the applicant would also prefer the lights to be activated by a passive infra red sensor. The proposals were modern in their design, but would be constructed to a high standard and would preserve and may enhance the relationship with the listed Mill, to the satisfaction of the Conservation Team.

This current application would be followed by an application to complete the final phases of the renovation and enhancement of Lower Chilland House, in accordance with the applicant's master plan. This phase would be the refurbishment of the grounds (in consultation with Natural England and Environment Agency).

Mr Loader (Itchen Valley Parish Council) spoke against the applications and Mr Brill (applicant's architect) spoke in support.

In summary, Mr Loader stated that, when current development was compared with previous aerial photographs, the large amount of garden that had now been built over could be seen. The restoration of the Mill was laudable, but its future conversion to residential use should be guarded against. The zinc roofing materials proposed for the changing rooms were not in keeping with the Conservation Area, where slate and tile were more predominantly used. The construction of the changing rooms and glass bridge would result in damage to nearby trees.

The glass walkway, with its external lighting, would be visually intrusive and would add to light pollution in a sensitive area. Although a time limit of 9:00pm was proposed by a condition, the lights could be activated through movement if a passive infra red sensor was fitted. There would also be other security lighting within the development area which would be visually intrusive. There was support from the Parish Council for the restoration of the Eel house.

In conclusion, Mr Loader stated that the proposals represented over-development, would result in damage to trees, light pollution and would be

incongruous against a Grade 2 listed building and that the Mill should not in future be converted to residential use.

In summary, Mr Brill stated that the application site had been the subject of a high level of investment. In answer to Parish Council objections, he stated that the site had not grown piecemeal, but was part of a coherent master plan which had been broken down into smaller pieces, due to the high level of consultation that was required.

He continued that in respect of the Mill, the proposal to install turbines to generate electricity had not been pursued at the present time, until issues relating to noise and vibration were investigated. Similarly, the existing planning permission for the garage would not be implemented at the present time, but would be subject to a new application as a future date. Following the present application, there would therefore be additional applications relating to the gardens and a separate application relating to the Mill turbine and revised garage.

The glass bridge would have up-lighters and its illumination would be subject to a planning condition. The bridge would have a minimal visual impact and the adjacent changing rooms would be subservient to the large mill building. The Mill's roof had been removed on the advice of the City Council in order structural condition of the roof rafters could be inspected.

In answer to Members' questions, the Head of Planning Management explained that if the applicant wished to have passive infra-red sensors installed in the bridge to provide illumination after 9pm, then an amended condition would be required. The applicant would have to submit details of the proposed lighting solution.

With respect to the perceived large amount of development within the garden area, the Head of Planning Management explained that the curtilage of the application dwelling was very large, but the vast majority was within the Site of Special Scientific Interest (SSSI). The majority of the development was replacements for existing buildings, or was paving and decking. A large amount of landscaping would also be included within the garden.

The new pavilion building to be used as a changing room would be constructed on a new site. The Conservation Team supported the applicant's proposal that the changing rooms should be external to the Mill building in order that the Mill's internal space would not be compromised by internal partitioning, thus protecting its historic integrity.

Any intention by a future owner of Lower Chilland House to use the Mill as a separate residential dwelling would need to be the subject of a separate planning application. If it was the intention of the applicant to use the Mill as a self contained annex, for staff accommodation, or as a separate dwelling then this would also require a separate consent.

The double-height doors within the Mill facing on to Chilland Lane covered a frameless glass screen. This was compatible with the historic fabric of the Mill and was also covered by condition. A flood risk assessment had been carried out and the trees on the site that had not already been the subject of a planning application would be protected.

The metal fencing to front Chilland Lane would be considered in detail by the City Council. The fencing should be of a high-quality and the associated hard and soft landscaping detail would be given detailed consideration. However, Head of Planning Management accepted that there would be a period before the planting matured and in the winter where the metal fence could be exposed.

Following its consideration of the applications, the Sub Committee agreed that due to its close proximity to Chilland Lodge, an informative be included that mechanically operated blinds should be installed to the Mill's west elevation windows that faced this property. Mr Hearn also requested that Condition 2 also include details and samples of the kerbstones to be submitted and approved in writing by the Local Planning Authority, and this was agreed by the Sub Committee.

At the conclusion of debate, the Sub-Committee agreed to grant planning permission for the reasons set out in the Report and subject to the Conditions set out below, as amended above.

RESOLVED:

That planning permission be granted for both applications, subject to the following conditions:

08/02134/FUL W03990/26

1 The works hereby consented to shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the changing pavilion, the Eel House, new gates and fence, brick pillars, mail box and visitor call point 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.

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

3 No development shall take place until details, including light spillage plans, and samples of the units to be used in the external lighting scheme 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.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area and does not detrimentally affect the special features of the adjoining Special Areas of Conservation or Site of Special Scientific Interest.

4 The lighting units hereby approved shall not be illuminated after 21:00 hours, other than by movement sensors.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area and does not detrimentally affect the special features of the adjoining Special Areas of Conservation or Site of Special Scientific Interest.

5 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:

- existing and proposed finished levels;
- hard surfacing materials;
- planting plans;
- written specifications;
- schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate;
- implementation programme.

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.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6. Details of the design of the changing room and metal fence foundations, and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in

writing by the Local Planning Authority before any works on the site are commenced.

Reason: To ensure the protection of trees and hedgerows to be retained and in particular to avoid unnecessary damage to their root system.

7. Any clearance of trees and scrub should take place outside the bird breeding season, March to August inclusive.

Reason: to reduce the likelihood of harm to breeding birds.

8. No works will take place or materials, machinery or equipment will be stored within 10m of the SAC. In accordance with Environment Agency guidelines, all reasonable precautions will be undertaken to ensure no pollutants enter any nearby watercourses / ditches. All those involved with the works will be informed of the status and legal obligations attached to the designation and where the boundary of the protected area is. All new buildings / areas of hardstanding will be in line with the principles of sustainable drainage.

Reason: to protect the Special Area of Conservation.

9. The development permitted by this planning permission shall only be carried out in accordance with the flood proofing measures detailed on page 2 of the approved Flood Risk Assessment (FRA) contained in Appendix 7.10 of Dan Brill Architect's Planning Submission document for Chilland Mill dated August 2008.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

10. The converted mill building and Eel House, hereby permitted, shall not be occupied at any time other than for purposes ancillary to the residential use of Lower Chilland House.

Reason: to accord with the terms of the application, since the site lies within an area where additional residential properties would not normally be permitted.

11. 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 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

12. 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.

Reason: in the interests of highway safety.

13. No development shall commence before a survey of the building for bats has been carried out and a corresponding report, including proposed mitigation measures as appropriate, has been submitted to and approved by the local planning authority. The development shall not be carried out other than in accordance with the approved mitigation measures (if required).

Reason: In the interests of nature conservation.

14. No development approved by this planning permission shall be commenced until a scheme for the method of working / construction / maintenance / aftercare has been submitted and approved in writing by the Local Planning Authority. Work shall take place in accordance with the approved details.

Reason: The site lies in very close proximity to the River Itchen, internationally important for nature conservation. All appropriate pollution prevention measures must be in place during the proposed works.

Informatives

1 This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2 The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: E16
Winchester District Local Plan Review Proposals: DP1, DP3, DP4, DP8, DP10, CE5, CE7, CE8, CE24, HE4, HE5, HE6, HE8, HE13, HE14, HE16 and HE17.

3 The site overlies Seaford Chalk formation classified as a principal aquifer. The site is also in close proximity to the Upper Itchen river; therefore, all precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the Environment Agency's guidance 'PPG1 – General guide to the prevention of pollution', which is available on their website at www.environment-agency.gov.uk

4 Planning permission does not absolve the applicants from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the *Circular 06/2005*. If it becomes apparent at any point that protected species may be affected, the relevant works should stop immediately and Natural England should be contacted.

5 Every effort shall be made to salvage and re-use the existing shaped hardwood beams supporting the first floor in the northern bay of the mill building. If they cannot be incorporated into the scheme, or elsewhere on the site, they shall be offered to a reputable salvage company for re-use elsewhere.

6 Bat friendly features should be incorporated into the restoration works wherever possible to compensate for lost roosting opportunities, in addition to the inclusion of bat boxes on trees. We remind you of your duty to conserve biodiversity under S40 of the Natural Environment and Rural Communities Act (NERC) 2006 which states; every public body must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

7 Under the terms of the Water Resources Act 1991, an Impounding Licence may be required from the Environment Agency for the impounding of any watercourse, ditch or stream (e.g. dam, weir, etc.) Please contact Environment Planning department of the Environment Agency's Solent Office if this applies.

The applicant should ensure that no aspect of the proposed operations (particularly dewatering) results in any adverse change in flows or levels in any rivers, streams, ditches, springs, lakes or ponds in the vicinity.

Under the terms of the Water Resources Act 1991, the prior agreement may be required for discharging dewatering water from any excavation or development to any controlled waters.

Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems. They should be colour coded to clearly distinguish between the two systems. Manholes on the foul system should be painted red: those on the surface water system should be painted blue.

8 The applicant should ensure that the existing septic tank / sewage treatment plant is in a good state of repair, regularly desludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of this proposal.

9 The applicant should ensure that appropriate pollution prevention measures are taken to avoid any contamination to the watercourse. There should be no discharge of silty or dirty water to any water course or surface water drain during the proposed works.

Any construction or demolition activities should be carried out in accordance with the Environment Agency's Pollution Prevention Guidelines No. 6 – Working at Construction and Demolition sites.

The risk of pollution can be significantly reduced by providing secondary containment measures as detailed in the Environment Agency Pollution Prevention Guidelines No 1 (Above Ground Oil Storage Tanks). The Guidelines stipulate requirements for the standard of tanks, pipework and secondary containment including bund walls.

To minimise the environmental impact of this development pollution prevention measures should be incorporated wherever appropriate. Pollution Prevention Guidance is available on the Environment Agency Web site www.environment-agency.gov.uk/netregs/resources/278006

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Conditions

1. The works hereby consented to shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. No works authorized by this consent shall take place until the applicant has implemented a programme of building recording in respect of those parts of the building to be altered, in accordance with a written scheme which has been submitted by the applicant and approved in writing by the Council as Local Planning Authority.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy HE.14 of the Winchester District Local Plan Review.

3. All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions attached to this consent.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy HE.14 of the Winchester District Local Plan Review.

4. Any hidden historic features which are revealed during the course of works shall be retained in situ, work suspended in the relevant area of the building and the Council as Local Planning Authority notified immediately. Provision shall be made for their retention or salvage and/or proper recording, as required by the Council.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy HE.14 of the Winchester District Local Plan Review.

5. Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the building, structural engineers' drawings and a method statement, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and reconstruction, shall be submitted to and approved by the Council as Local Planning Authority. The relevant work shall be carried out in accordance with such structural engineers' drawings and method statement thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy HE.14 of the Winchester District Local Plan Review.

6. All rainwater goods shall be of cast iron unless otherwise agreed in writing by the Local Planning Authority. No new plumbing, pipes, soilstacks, flues, vents or ductwork shall be fixed on the external faces of the building unless shown on the drawings hereby approved.
No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building unless shown on the drawings hereby approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy HE.14 of the Winchester District Local Plan Review.

7. No repointing or repair of brickwork is authorised by this consent without prior approval of details. Detailed proposals shall be submitted to and approved by the Council as Local Planning Authority before the work is begun, and the work shall be carried out in accordance with such approved proposals.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy HE.14 of the Winchester District Local Plan Review.

8. No cleaning of masonry, other than a gentle surface clean using a nebulous water spray, is authorised by this consent without prior approval of details.

Proposals shall be submitted to and approved by the Council as Local Planning Authority before the work is begun and the work shall be carried out in accordance with such approved proposals.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy HE.14 of the Winchester District Local Plan Review.

9. Details, and samples as appropriate, in respect of the following shall be submitted to and approved in writing by the Council as Local Planning Authority **before** the relevant work is begun. The relevant work shall be carried out in accordance with such approved details.

- (a) All interventions in the existing historic fabric including:
 - (i) new frameless glazed openings and screens;
 - (ii) new rooflights;
 - (iii) a detailed specification and itemised repair schedule for the works to the roof, to include any temporary works required during repairs;
 - (iv) plaster specification and schedule of works for the interior of the building (retaining internal historic graffiti);
 - (v) details and samples of new paving to interior and exterior of mill, including details of the sunken terrace adjoining the stream.
 - (vi) all new doors, both internal and external, to include large scale profiles of glazing bars and mouldings and details of panels and architraves, where relevant;
 - (vii) all new windows, to include large scale profiles of frame members and glazing bars, and relationship of the window and cill to the opening in which it is set;
 - (viii) any measures required to isolate the turbine machinery where these would impact on the historic fabric of the building.
- (b) All new works, including:
 - (i) new mezzanine floor;
 - (ii) new staircase;
 - (iii) new kitchen enclosure on ground floor;
 - (iv) new secondary glazing;
 - (v) representative construction sections and elevations (1:20 scale minimum) of the new link, bridge and pavilion, to include large scale details of the interface with the existing building and the new door opening in the existing window location;
 - (vi) samples of cladding and roof materials for the glazed link and new pavilion, and the Eel House;
 - (vii) details of all new lighting, including maximum lux levels;
 - (viii) new piers and entrance gates on Chilland Lane, including security devices;
 - (ix) details and samples of materials for all new hard landscaping works adjoining the mill, glazed link and pavilion.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy HE.14 of the Winchester District Local Plan Review.

10. Any modifications to the approved drawings, whether for Building Control or any other reason, or any departure on site from what is shown, may constitute a criminal offence under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The applicant is required to draw this and other conditions on the Consent to the attention of any contractors or sub contractors working on site and furnish them with a copy of the consent and approved drawings.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of Policy HE.14 of the Winchester District Local Plan Review.

Informatives

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The development is in accordance with the policies and proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

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The meeting commenced at 11.15am and concluded at 12.35pm.

Chairman