

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**18 November 2010**Attendance:

Councillors :

Johnston (Chairman) (P)

Bell (P)
Berry (P)
Evans (P)
Jefferies (P)Lipscomb (P)
Mitchell (P)
Pearce (P)
Tait (P)Officers in Attendance:Mrs J Pinnock – Planning Team Manager
Mrs A Davidson – Head of Historic Environment
Mrs E Patterson – Senior Planning Officer
Mr I Elvin – Highways Engineer
Mr B Lynds – Planning and Projects Barrister

1. CHAIRMAN'S ANNOUNCEMENT

The Sub-Committee met at Winchester Guildhall, where the Chairman welcomed to the meeting approximately 30 members of the public, including representatives of the applicant.

2. CHESTNUT MEAD, KINGSGATE ROAD, WINCHESTER – CASE NUMBER 10/00253/FUL
[\(Report PDC870 Item 1 refers\)](#)

Councillor Lipscomb declared a personal (but not prejudicial) interest 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 this application and therefore spoke and voted thereon.

The application had been referred to the Sub-Committee for determination by the Planning Development Control Committee meeting held 28 October 2010, where the Committee had received public participation. At the start of this meeting (18 November 2010), the Chairman clarified that the Committee had agreed to a site visit because it considered it was appropriate given the significance of the application within the context of the area.

Therefore, the day prior to the meeting, the Sub-Committee had visited the site in the company of officers and the applicant (who facilitated access to the site). On site, the Sub-Committee noted the importance of Chestnut Mead in the

street scene, the footprint for the proposed new dwellings to the rear, the access to the site, and the probable effect of the application when viewed from the neighbouring properties Carlyon and 1 Kingsgate Mews, Garnier Road opposite, and the adjacent footpath to St Cross Road.

Councillor Lipscomb explained that, due to prior commitments as Deputy Mayor, he was unable to remain for the duration of the Sub-Committee's site visit. Although he was with the Sub-Committee to assess the site and proposed layout of the new dwellings, he was unable to visit the neighbouring properties Carlyon and 1 Kingsgate Mews. However, he considered that from what he had seen from that part of the site visit and the officers' presentation, he had sufficient knowledge to determine the application.

Mrs Pinnock had given a full presentation at the previous meeting and therefore, at the Sub-Committee, she set out the history of the previous applications for the site. In summary, this included:

- an application to extend the rear of the Chestnut Mead, which was granted in 1999 (although it was erroneously titled as a side extension).
- a refused scheme in 2003 to demolish Chestnut Mead and replace it with a three-storey apartment block. The subsequent appeal was dismissed as the Inspector considered the application to be detrimental to the character of the area and that the demolition of Chestnut Mead had not been justified.
- a refused scheme in 2007 to convert Chestnut Mead into three dwellings with three new dwellings developed to the rear. This was refused because of the design and height of the new dwellings and their visibility from the road.
- a further two tandem applications from 2007 were refused that sought to convert Chestnut Mead into three dwellings with two new dwellings to the rear. The principle difference between those applications was the retention of the footpath wall to St Cross Road, punctured with pedestrian accesses in one, and its removal in the other application. These applications were refused on account of their design and scale and the proposed ornate, decorative design. The removal of the footpath wall in one application was also considered unacceptable.
- in 2008, the Council received an application to effectively renew the 1999 permission, as it had not been built. However, officers determined that in the intervening nine years, changes in policies led them to refuse the application by virtue of its poor relationship with Chestnut Mead, overlooking to the neighbouring property, Carlyon, size, sitting and design.

Mrs Pinnock then reminded Members of the current application: the renovation and conversion of Chestnut Mead into 1 no 4 bed dwelling and 3 no. 2 bed flats with the erection of 2 no. 4 bed dwellings to the rear. Her presentation

included an explanation of the site, bin storage areas, gardens, access arrangements, views of the rear of the site and photographs taken in the summer and winter of the views from neighbouring properties. She also referred the Sub-Committee to the update sheet in which she recommended that a legal agreement be required for the establishment of a management company for the on-going retention, maintenance and long term management plan of the planting and communal areas and parking on site.

Mrs Pinnock also stated that the applicant had expressed no intention to reduce the height of the brick wall between the site and the St Cross Road footpath, and later confirmed that this would be controlled through Condition 12. The Sub-Committee had also noted the opening in this wall, which appeared to be a historic feature, and Mrs Davidson explained that this would be covered by Condition 8 regarding a detailed repair schedule.

A Member raised concerns regarding an apparent contradiction in the Report regarding the desirability of back-land development in the Conservation Area. In response Mrs Davidson explained that, in principle, she would have preferred that there would be no development to the rear of Chestnut Mead, as this would obviously have no impact on the character of the area. However, the reality was that the principle of development had been established in the 1999 permission and was consistent with current policy. Therefore, in these circumstances, her advice was that the Council should consider how best to ensure that the development was as sympathetic and as unobtrusive to the surrounding area as possible.

Mrs Davidson also confirmed that she had been involved in pre-application stage discussions with the applicant, during which officers had deterred development on the land between Chestnut Mead and Carlyon, as this would diminish the presence of Chestnut Mead in the street scene.

Mrs Davidson also clarified that the application was not an “enabling application”. She explained that enabling applications were complicated and were often used as a last resort only.

In response to another question, Mrs Davidson explained that English Heritage had commented on the gothic design of Chestnut Mead and that officers considered that the style of the new dwellings in the latest application was sufficiently subdued, whilst echoing design cues from the main building. She added that the success of the scheme lay in its details and that officers would closely monitor that the quality of materials used would be appropriate to the Conservation Area (Condition 6 refers).

Regarding the principle of the development, Mrs Pinnock read to the Sub-Committee part of the Planning Inspector’s ruling, which dismissed the 2003 appeal. In summary, the Inspector had found that Chestnut Mead was not of special architectural merit, but that it did contribute to the character of the Conservation Area. Mrs Pinnock added that the building was a good example of a Victorian villa which had a prominent position to the road junction opposite

and was likely to have been one of the first to have been built on Kingsgate Road.

Mr Lynds highlighted to the Sub-Committee that the application's location within the Conservation Area was a material consideration and recited to Members the relevant legislation and guidance. In summary, this required the Sub-Committee to pay special attention to the desirability of preserving or enhancing the character of the area. The Sub-Committee was further advised that they should consider particularly whether the proposal would harm the character of the area.

In response, Members explained that they had achieved a good understanding of the character of the area, and the application's impact on the Conservation Area, through the site-visit.

The Sub-Committee also considered parking issues relating to the application. Mr Elvin explained that, in theory, the current use (as a house of multiple occupation) entitled potential occupiers to 40 on-street residents' parking permits, although due to the derelict state of the building, these had not been allocated. As the proposed development sought to create a total of six dwellings on the site, this reduced the potential number of residents' permits that could be issued to 24 and therefore this represented a reduction in parking pressure on the area.

The applicant had proposed four on-site and unallocated parking spaces. During debate, Mr Elvin explained that he had originally proposed that each flat be provided with a space and, during debate, he suggested that there were a number of opportunities for additional, informal parking on site. Mrs Pinnock added that the applicant was required to submit details of the parking and landscaping as part of Condition 13.

Members noted that the site was within a sustainable location and could therefore provide fewer onsite parking spaces. Unallocated parking meant that the required parking standards could be further relaxed.

During discussion on the landscaping, Mrs Pinnock explained that the applicant proposed management works to the trees at the rear of the site, alongside the footpath and landscaping to the front.

In response to a Member's question, Mrs Pinnock explained that, notwithstanding the changes to densities sought in national guidance PPS3, the proposed density of 29.5 dwellings per hectare had been assessed in terms of its impact on the area.

The Sub-Committee noted that the windows of the new dwellings to the rear were to be angled to prevent overlooking into Carlyon and officers raised no objection to this aspect.

At the conclusion of debate, although a Member commented that granting the application could set an unwelcome precedent of back garden development in

the area (which would be detrimental to the area's character) and cited the opposition from a number of local residents and localism; the Sub-Committee agreed to grant permission subject to the conditions (with the amendment to Condition 08) and for the reasons set out in the Report.

The Sub-Committee agreed that the site visit had been a useful exercise in gaining a better understanding of the area. Members had commented that the application preserved the street scene, with only glimpses of the new dwellings located to the rear. Members spoke in favour of the subdued styling of the new buildings, the restoration of Chestnut Mead and that its new side-conservatory would have minimal effect. Members also commented that the proposed application would have a minimal impact on neighbouring properties, that there would be no overlooking and that it was not an over-development of the site.

RESOLVED:

That planning permission be granted, subject to the Conditions as set out in the Report (with the amendment to Condition 8 and the Informatives in respect of the South East Plan policies, as set out below in italics), and a legal agreement to secure the establishment of a management company for the ongoing retention and maintenance of the planting and communal areas and parking on site.

8 Prior to commencement of work a detailed repair schedule *including the brick wall along the northern boundary* shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved schedule.

Reason: To protect the character and appearance of Chestnut Mead and the Conservation Area.

South East Plan policies: CC6: Character of the environment, BE6: Management of the historic environment.

The meeting commenced at 9.30am and concluded at 10.50am.

Chairman