

PLANNING DEVELOPMENT CONTROL COMMITTEE

28 July 2004

Attendance:

Councillors:

Busher (Chairman) (P)

Baxter (P)
Bennetts (P)
Beveridge (P)
Davies (P)
Darbyshire (P)
Evans (P)
Jefferies (P)

Johnston (P)
Mitchell
Pearson (P)
Read (P)
Saunders (P)
Sutton (P)
Tait (P)

Deputy Members:

Councillor Pearce (Standing Deputy for Councillor Mitchell)

Other Members in attendance and speaking:

Councillor Beckett

207. **APOLOGIES**

Apologies were received from Councillor Mitchell.

208. **APPOINTMENT OF SUB-COMMITTEES ETC**

RESOLVED:

That a meeting of the Planning Development Control (Chilbolton Avenue) Sub-Committee be held on Monday 13 September 2004 to commence at 10.00am in the Guildhall, Winchester.

209. **MINUTES**

The City Secretary and Solicitor reported that further to a question asked at Council on 21 July 2004, the Development Control Schedule of Decisions prepared by the Director of Development Services for the meetings on 28 and 29 June 2004 would be corrected and re-circulated to all recipients.

This included a correction to minute 28 of the minutes of the meeting held on 28 June 2004 in that item 6 of the Development Control Schedule of Decisions relating to Townsend, Northend Lane, Droxford should delete the reference to 10 dwellings. In addition, in respect of minute 37 of the meeting held on 29 June 2004, items 10 and 11 of the Development Control Schedule of Decisions relating to Brambridge House were corrected to state that these items were deferred for the Planning (Viewing) Sub-Committee to visit the application sites and were not approved as set out.

Subject to the above corrections, the minutes of the previous meetings of the Committee held on 27 May, 28 June and 29 June 2004 were approved and adopted.

210. **WINCHESTER CITY NORTH MAJOR DEVELOPMENT AREA – APPLICATION W18760**

It was noted that a special meeting to consider the application for the Major Development Area North of Winchester would be held on Wednesday 22 September 2004 to commence at 10.00am in the Guildhall, Winchester.

211. **DEMOLITION OF BUILDING AND CONSTRUCTION OF SHOP AND SIX 2-BEDROOM APARTMENTS AT 18 LITTLE MINSTER STREET, WINCHESTER**
(Report PDC439 refers)

The Director of Development Services updated the Committee on representations received relating to proposed amendments to approved plans. The amended application was explained to the Committee and samples of the brickwork, render and zinc metal roof were displayed. It was agreed that good quality materials were an essential element of making a success of the proposals and that further samples of the brickwork in particular would be requested from the applicant before the scheme could commence.

In approving the recommendations, the Portfolio Holder for Planning thanked the Officers for their work in progressing the proposals.

RESOLVED:

That the amended plans of the elevations in respect of Application Reference Number W1835/07 be approved.

212. **PLANNING APPEALS – SUMMARY OF DECISIONS**
(Report PDC447 refers)

RESOLVED:

That the report be noted.

213. **THE CONSTITUTION – UPDATE AND REVISION – PART THREE – RESPONSIBILITY FOR FUNCTIONS**
(Report PDC448 refers)

In approving the recommendations as set out, the Committee agreed that the success of their implementation should be reviewed by the Committee later in the year.

RESOLVED:

That the following revisions to Sections 1 (ii) and (iv) of page 25 of Part Three of the Constitution setting out the responsibility for functions of the Director of Development Services with regard to planning matters be approved:

(ii) A Parish Council submits clearly-stated written representations which are contrary to the Officers' recommendation.

- (iv) Four or more written representations are received from separate individual addresses which are contrary to the Officers' recommendation.

214. **PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**
(Report PDC443 refers)

Councillor Bennetts declared a personal and prejudicial interest in the item relating to 5-7 Buddens Road, Meon Park, Wickham, as he was on the board of the Winchester Housing Trust, and he left the meeting for this item. Councillor Tait also declared a personal and prejudicial interest in this item, as he was an observer to the Winchester Housing Trust, and he left the meeting during consideration of the item.

The Committee considered the minutes of the meeting of the Planning Development Control (Viewing) Sub-Committee held on 12 July 2004 relating to Rose Cottage, Turkey Island, Shedfield and land between 5-7 Buddens Road, Meon Park, Wickham (attached as Appendix A to the minutes).

In respect of Rose Cottage, Turkey Island, Shedfield, the Committee noted that the recommendation of the Viewing Sub-Committee was to grant planning permission. However, two Sub-Committee Members stated that on reflection the proposals were overbearing on the neighbouring property; therefore they were now minded to support the refusal of the application. Following debate, the Committee agreed to refuse the application and delegated authority to the Director of Development Services in consultation with the Chairman to agree detailed reasons for refusal.

In respect of land between 5-7 Buddens Road, Meon Park, Wickham, the Director of Development Services stated that following the meeting of the Viewing Sub-Committee, the applicant had submitted amended plans which had moved the proposed semi-detached dwellings further forward within the plot. The amended plans had been advertised and further representations had been received. In summary, these referred to the effect on drains that crossed the site; the cramming of houses on a small site and potential damage to an oak tree to the rear of the site. After taking into consideration the objections received, the Officer's recommendation was to grant approval.

In respect of the amended plans at 5-7 Buddens Road, there was public participation with Mrs Hollis speaking in objection to the application and Mr Baron, representing Winchester Housing Trust, speaking in support. In response to Members' questions, the Director of Development Services explained the parking arrangements for the proposed dwellings and stated that the City Council's Highway Engineer had no objections to the proposals. Following debate, the Committee supported the application as set out.

RESOLVED:

That the minutes of the meeting of the Planning (Viewing) Sub-Committee held on 12 July 2004 be received and that in respect of 5-7 Buddens Road, Meon Park, Wickham, the amended plans in respect of Application 04/00773/FUL be approved as set out in the schedule that is circulated separately and forms an appendix to the Minutes, and that in respect of first floor extension with dormer window to front at Rose Cottage, Turkey Island, Shedfield (reference number W166110/02) the Director of Development Services, in consultation with the Chairman, be given delegated authority to provide detailed reasons for the refusal of the application.

215. **DEVELOPMENT CONTROL APPLICATIONS**

(Report PDC441 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 item 7 as he was a member of the City of Winchester Trust, which had commented on this application, and he spoke and voted thereon.

Councillor Bennetts declared a personal and prejudicial interest in respect of item 10 as he was the Council's nominee on the board of the Winchester Housing Trust and he left the meeting for consideration of this item.

Councillor Busher declared a personal interest in item 11 as she was originally involved in the case four and a half years ago but had avoided involvement since the probity laws came into being. She addressed the Committee as a Ward Member sitting apart from the Committee and not voting on that item.

Councillor Tait declared a personal and prejudicial interest in respect of item 10 as he was an observer on the board of the Winchester Housing Trust and he left the meeting for consideration of this item.

Councillor Evans declared an interest in respect of item 2 as she had supported the applicants on a different application on the same site in the past and had taken part in the Local Plan challenge regarding the application site. She addressed the Committee as a Ward Member sitting apart from the Committee and not voting on that item.

In respect of item 1 – Field abutting Gravel Hill Cottages, Gravel Hill, Swanmore, Mr B Tutton, agent, spoke in support of the application. In introducing the item, the Director of Development Services stated that the comments of the Environment Agency had now been received. These required minor alterations to the footbridge to facilitate land drainage. The details of the bridge would need to be submitted to the local planning authority prior to construction taking place. Following consideration by the Committee, including clarification on points of access, the Committee supported the application as set out.

In respect of item 2 – Land adjacent to Hill Crest, Springles Lane, Titchfield, Mr B Tutton, agent, spoke in support. Speaking as a Ward Member, at the invitation of the Chairman, Councillor Evans stated that there had been a history of previous applications on the application site and a Viewing Sub-Committee site visit in the past. She personally supported the application, as did Wickham Parish Council, as there were houses built on similar plots in the surrounding area and with the infilling of plots taking place, the area could no longer be defined as being countryside. She supported the plot becoming a garden. Following debate, the Committee supported the Officers' recommendation for refusal as set out.

In respect of item 3 – Jessamine Cottage, Upham Street, Upham, Southampton, following consideration of the item, the Committee agreed to refuse the application. The reasons given by Committee were that the application site was in the countryside and that there could be the possibility for access provided at a future date. The Committee delegated authority to provide detailed reasons for refusal to the Director of Development Services, in consultation with the Chairman.

In respect of item 7 – land to the rear of Wina, Churchill Avenue, Bishops Waltham, the Committee requested the Officers to establish whether it would be possible by means of a legal agreement to secure a public right of way between Churchill Avenue and Ashton Close, should land at the neighbouring Pinewood become available for development at a future date. The Director of Development Services also stated that an additional condition should be included that the two 2-bedroom semis should not be converted to a single 4-bedroom house at a future date. The Committee approved this additional condition.

In respect of item 8 – Long Acre, Hurdle Way, Compton Down, Winchester, Mr Long, representing the Compton Down Society, spoke in objection to the application and Mrs Millar, representing Compton and Shawford Parish Council, also spoke in objection to the application. Mr Greenwood, agent, spoke in support. At the invitation of the Chairman, Councillor Beckett, a Ward Member, also spoke on this item. In introducing the report, the Director of Development Services stated that two further letters of objection had been received reiterating points raised in previous letters of objection regarding highways concerns, effect on character of the area, density, effect on neighbouring properties, sustainability issues and that the principles of development should be progressed through the Local Plan Inquiry. Additional issues related to public open space and affordable housing.

At the invitation of the Chairman, Councillor Beckett stated in summary that the property, Long Acre, was subject to H2 development classification, and it would be indefensible to grant planning permission until the current planning appeal was determined by the Planning Inspector. The proposals would increase traffic on Hurdle Way and he questioned the sustainability of the proposals. He commented that Compton was served by only one bus route and that trains no longer stopped at Shawford station. The nearest shop was over a mile away at the filling station and the proposals were also out of character for the area. In a short period, a number of high density schemes had been approved in the Compton area, including those at South Down School and Tilden Road, and the accumulated effect would be approximately 100 extra dwellings granted permission within a six-month period, which was a considerable increase as approximately only 600 dwellings were in the Compton area before the current spate of applications. He also questioned the adequacy of the surveys undertaken at the traffic junctions and requested that further more detailed surveys of traffic be undertaken.

In response to points raised by Members, the Director of Development Services explained that the previous planning appeal on the application site was a material consideration and had only been refused on highway grounds and not the question of sustainability. The City Council's Highway Engineer also explained that the traffic survey was to measure speed rather than volume, therefore it took place at off-peak parts of the day when traffic was flowing more freely during periods recommended by central government.

Following debate, the Committee agreed to defer the application in order that the Planning Appeal Inspector's Report could be provided to Members, with Officer commentary. It was also agreed that Hampshire County Council be consulted on any proposals for alteration to the highways at the Hurdle Way and Shepherds Way junctions. Further survey work on traffic speed and volume should also be undertaken.

In respect of item 9 – Knowle Village, Knowle Avenue, Knowle, Fareham, Mr Shepherd spoke in support of the application. In introducing the report, the Director of Development Services stated that written confirmation had been received from the applicant, Berkeley Homes Hampshire Limited on a number of issues. Berkeley Homes were willing to offer nine 2-bedroom units within Phase 5 of the development to a registered Housing Association for a period of six months to allow the Housing Association time to draw down funding from the Housing Corporation for the scheme, and that Swaythling Housing Association had been identified as the partner in this proposal.

In reply to Members' questions, Mr Shepherd, on behalf of Berkeley Homes, agreed that the properties should be made available for the period of nine months to the Swaythling Housing Association in order that Swaythling could be assured that there was sufficient time for finance to be secured and also that Berkeley Homes would enter into an agreement with Swaythling Housing Association over the payment of management fees for the dwellings. Mr Shepherd also assured Members that the remaining three phases of the development at Knowle would be submitted simultaneously for Members' approval. The Committee approved the application as set out, subject to the affordable housing units being made available to the Swaythling Housing Association for the period of nine months rather than six months as indicated in Berkeley Homes' letter.

In respect of item 11 – Yelfs Yard, Botley Road, Bishops Waltham, Councillor Busher spoke on this item as a Ward Member. In introducing the item, the Director of Development Services stated that condition 8 on the recommendations should be deleted, as it was a repeat of condition 5; that there were no highway objections to the application as there was no intensification of use; a landscaping scheme had been received by the City Council but was yet to be fully assessed, and that detail on all fencing was still required.

In summary, Councillor Busher commented that the use of the site had intensified in recent years and was now very untidy. Bishops Waltham Parish Council, Bishops Waltham Society and a number of individuals had objected to the intensification of the use of the site, which had grown by two thirds since the Lawful Use Certificate had been granted. There had been requests to the City Council to take action. To grant planning permission would bring the site under the City Council's control but would also negate the Council's planning policies, and it was her request to defer a decision in order that the City Secretary and Solicitor could consider alternative action to seek conformity through enforcement rather than by granting planning permission. At conclusion of debate, the Committee supported deferral of the application in order that the City Secretary and Solicitor could review the legal situation to ascertain what could be achieved on site through the route of planning enforcement balanced against the improvement of the site through granting planning permission.

In respect of item 12 – 163 Olivers Battery Road South, Oliver's Battery, Winchester, Mr R Outlaw spoke against the application both on behalf of neighbours and on behalf of Olivers Battery Parish Council. Miss Whitehead spoke in support of the application. Following consideration the Committee supported the application as set out.

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 3 – Jessamine Cottage, Upham Street, Upham, Southampton, delegated authority to provide detailed reasons for refusal be granted to the Director of Development Services, in consultation with the Chairman.

3. That In respect of item 8 – Long Acre, Hurdle Way, Compton Down, Winchester the application be deferred in order that the Planning Appeal Inspector's Report can be provided to Members with Officer commentary and that Hampshire County Council be consulted on any proposals for alteration to the highways at the Hurdle Way and Shepherds Way junctions and further survey work on traffic speed and volume be undertaken.

4. That in respect of item 11 – Yelfs Yard, Botley Road, Bishops Waltham, the application be deferred to allow the City Secretary and Solicitor to review the legal situation to ascertain what can be achieved on site through the route of planning enforcement balanced against the improvement of the site through granting planning permission.

The meeting commenced at 2pm and concluded at 8.20pm.

Chairman

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**12 July 2004**Attendance:

Councillors:

Busher (Chairman) (P)

Baxter (P)

Bennetts (P) (for Minute Items 216 and 218 only)

Darbyshire (P)

Jeffs (P)

Mitchell (P)

Others in attendance:

Councillor Clohosey (for Minute 217 only)

Councillors Bidgood, de Peyer, Johnston and Sutton (for Minute 218 only)

Officers in attendance:

Mrs S Proudlock, Team Leader, Planning (for Minutes 216 and 217 only)

Mr S Avery, Planning Officer (for Minutes 216 and 217 only)

Mr R Lock, Valuer (for Minute 217 only)

Mr B Draper, Arboriculturist (for Minute 217 only)

Mr D Keeley, Conservation Officer (for Minute 218 only)

Ms E Patterson, Principal Planning Officer (for Minute 218 only)

216. FIRST FLOOR EXTENSION WITH DORMER WINDOW TO FRONT AT ROSE COTTAGE, TURKEY ISLAND, SHEDFIELD (REFERENCE NUMBER W166110/02)

The Sub-Committee met at the application site where the Chairman welcomed to the meeting three local residents and Mr Thorn, the applicant's agent.

The application sought permission to extend above the existing single storey extension, to extend the existing slate roof line of Rose Cottage and to insert dormer windows on the western elevation. Mr Avery clarified that the new roof line would be at no greater height than the existing roof line and he explained that the application was acceptable because the alterations would not be visible from the public realm and were considered to be minor in nature.

The Sub-Committee assessed the likely impact of the proposals from the rear garden of a neighbouring property, Hill View Cottage. At the Chairman's invitation, the owner spoke in opposition to the application and stated that the proposed alterations would result in a loss of sunlight to her rear garden. She also raised concerns over a potential loss of privacy and the proposal's likely effect of enclosing an already small garden that was surrounded by neighbouring development.

Members noted these concerns and recommended that a condition be included to ensure that the gable-end window be fully obscured and non-opening to minimise any loss of privacy. However, Members noted that there were no windows proposed at the rear of Rose Cottage that could overlook Hill Top Cottage. With regard to the loss of sunlight, the majority of the Sub-Committee concluded that the proposal would have little detrimental effect over the shadowing provided by a line of nearby mature of trees. In addition Members noted that Rose Cottage was well screened by a mature Yew Tree, that although not protected by a tree preservation order, would not be effected by the application.

Members also suggested that the owner of Hill View Cottage should allow access so that the rear elevation of Rose Cottage could be properly rendered.

At the invitation of the Chairman, a number of local residents spoke in opposition to the application, and underlined the likely loss of sunlight onto the garden of Hill View Cottage and loss of privacy.

At the conclusion of the meeting, the majority of the Sub-Committee agreed to recommend the application, as they considered that its effect on neighbouring properties would be minor and further recommended a condition that the gable end window be obscured and non opening.

RECOMMENDED:

That planning permission be granted, subject to conditions.

Conditions/Reasons

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990.

02 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

02 Reason: To ensure a satisfactory visual relationship between the new development and the existing.

03 The first floor window in the southern elevation of the extension hereby permitted shall be glazed in obscure glass and thereafter retained in this condition.

03 Reason: To protect the amenity and privacy of the adjoining residential properties.

04 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows/dormer windows shall, at any time, be constructed in the eastern elevation of the development hereby permitted.

05 Reason: To protect the amenity and privacy of the adjoining residential properties.

Informatives

01. 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 54A of the Town and Country Planning Act 1990 (as amended), planning permission should therefore be granted.

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

Hampshire County Structure Plan Review: C1, C2

Winchester District Local Plan Proposals: C1, C2, C19, EN5

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP3, C1, C22

217. **ERECTION OF A PAIR OF THREE BEDROOM SEMI-DETACHED DWELLINGS WITH ASSOCIATED PARKING AND NEW ACCESS AT LAND BETWEEN 5-7 BUDDENS ROAD, MEON PARK, WICKHAM (REFERENCE W18219/01)**

The Sub-Committee met at the application site where the Chairman welcomed to the meeting approximately twenty local residents, two representatives of Wickham Parish Council, and representatives of the applicant, Winchester Housing Trust. Councillor Clohosey was also present as a Ward Member and the Sub-Committee noted that the other Ward Member, Councillor Evans, had tendered her apologies for the meeting.

Councillor Busher declared a personal (but not prejudicial interest) in the application as she knew the applicant's solicitor and spoke and voted thereon.

Councillor Bennetts declared a personal and prejudicial interest in the application, as he was the Council's appointee on the applicant's Board of Trustees and had been involved in negotiations regarding the application. He therefore did not attend the Site Visit.

Mrs Proudlock explained that the site between 5-7 Buddens Road was in the ownership of the City Council and that the applicant, Winchester Housing Trust, had sought permission to erect two three bedroom semi detached houses with associated parking and access for four vehicles to the front of the development.

The Sub-Committee noted that a previous application for the development of flats on the site had been refused and Mrs Proudlock recommended the current application for approval (subject to conditions) as it represented a less dense development within the permitted development boundaries of Wickham.

Mrs Proudlock reported on the responses of the consultations to the application and the Sub-Committee particularly noted the comments of the Housing Enablement Officer who had highlighted the need for affordable three bedroom houses in the area, as evidenced by the Housing Needs Survey.

The Landscape Architect had also not raised an objection but underlined the importance of the boundary treatment to the streetscape and Mrs Proudlock explained that the proposed designs would complement neighbouring properties.

Mrs Proudlock explained that objections had been received from Wickham Parish Council and that a further 142 objections had been received from local residents. She summarised their concerns to include; design, appearance, traffic (both in terms of congestion and the danger of reversing out from the site onto the corner of Buddens Road), overlooking, loss of light, noise, over-development, the effect on trees (residents had undertaken a private survey of their condition), and the potential difficulties arising from the likely young families that would occupy the houses living close by to the existing elderly residents. Mrs Proudlock also reported a letter from the occupier of 12 Buddens Road received in advance of the Viewing Sub-Committee. This letter raised concerns relating to the officer report in the committee agenda, the oak tree, the private sewer, the site plan and possible heave and subsidence.

At the invitation of the Chairman, these points were reiterated by a number of local residents who spoke.

With regard to concerns over a potential loss of privacy, Members noted that the bedroom windows in the side elevations would be obscured in the lower panes.

In response to questions, Mrs Proudlock confirmed that private foul drainage did run through the site and into the main sewerage pipeline for the road. However, it was noted that the correct treatment of this would be dealt with under a building regulations application rather than as part of any planning consent. The Head of Building Control had indicated that there were no problems in principle with development in the vicinity of private drains.

Some local residents had raised concerns to accuracy and details of the plans used for the application and Mr Lock explained that the plans were based on a site survey which had been checked with Ordnance Survey maps on which the conveyance plans for the sales of 5 and 7 Buddens Road had been based.

Councillor Clohosey spoke as a Ward Member on the difficulties of the application. He questioned whether the triangular shape of the plot allowed enough space at the rear of the houses to provide adequate access to the rear gardens. He also echoed the local residents' concerns over the potential damage to the oak tree, the drainage, overlooking and that the site was over developed. In terms of traffic, he suggested that Buddens Road was likely to become more congested following the likely implementation of parking charges in The Square, Wickham, which would displace traffic onto Buddens Road.

The Sub-Committee noted the concerns about the access to the rear garden and, in particular, the new dwellings' proximity to 5 Buddens Road and therefore recommended that officers negotiate with the applicant to bring the dwellings forward on the site.

Members were concerned that four off-street car parking spaces had been provided in the application and noted that this was a sustainable location where reduced parking could be acceptable. It was agreed that the size and width of the car parking spaces should be reduced to allow more flexibility for the positioning of the dwellings.

At the invitation of the Chairman, Mr Barron of Winchester Housing Trust spoke in support of the application and underlined that the Winchester Housing Trust was a charity that aimed to provide affordable housing for people with a connection to Wickham.

The Sub-Committee discussed the proposal's effects to the trees on site. Mr Draper explained that both the ash and sycamore trees towards the rear of the site were in poor condition and were not protected by tree preservation orders. Of greater concern to Members and the public present was the large oak tree behind the application site and in the garden of a Elizabeth Road property, which was protected by a Tree Preservation Order. The Sub-Committee noted the concerns of local residents who reported that the soil in the area was liable to subsidence and were fearful of the consequences that might result to their properties in the event of any damage to this oak tree. However, Mr Draper explained that conditions would impose the maximum protection zone of 12 metres from the centre of the tree, which was the accepted maximum British standard. There would be sufficient space from the trunk to the rear of the proposed dwellings to meet this standard and this would prevent any root damage during the construction of the dwellings.

At the conclusion of the meeting, the Sub-Committee agreed that the application should be recommended for approval with conditions, including that further negotiation be held between officers and the applicant to bring the dwellings forward, to confirm the building control regulations with regard to the private sewers, and to negotiate a reduction in the number and width of the off-street car parking spaces to allow for more flexibility for the positioning of the units on the site.

RECOMMENDED:

That Planning Permission be granted subject to a Section 106 Agreement for:

A financial contribution of £3932.00 towards the provision of public open space through the open space funding system

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

and subject to conditions:

1 Conditions/Reasons

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990.

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development 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.

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

03 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

03 Reason: To improve the appearance of the site in the interests of visual amenity.

04 No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Earthworks shall be carried out in accordance with the approved details prior to the completion of the development.

04 Reason: In the interests of maintaining the amenity value of the area.

05 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

05 Reason: In the interests of the visual amenities of the area.

06 No development, or works of site preparation or clearance, shall take place until details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, have been submitted to and approved in writing by the Local Planning Authority.

06 Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees.

07 The first floor bedroom windows in the side elevation of the dwelling hereby permitted adjacent to 7 Buddens Road shall be glazed in obscure glazing on the lower panes of the window and thereafter retained.

07 Reason: To protect the amenity and privacy of the adjoining residential properties.

08 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 to 1800 Monday to Friday and 0800 to 1300 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

09 The proposed access and drive, including the footway shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE A licence is required from Hampshire Highways, Winchester Area Sub-Unit, Abbey Mill, Winchester prior to commencement of access works.

09 Reason: To ensure satisfactory means of access.

10 The gradient of the drive shall not exceed 8% within 6 metres of the edge of the adjoining carriageway.

10 Reason: In the interests of highway safety

11 Before the development hereby approved is first brought into use, the access shall be constructed with a non-migratory surfacing material.

11 Reason: In the interests of highway safety.

12 Prior to the completion of development a cut off drain shall be provided to prevent the egress of surface water onto the public highway.

12 Reason: In the interests of highway safety.

Informatives

01. 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 54A of the Town and Country Planning Act 1990 (as amended), planning permission should therefore be granted.

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

Hampshire County Structure Plan Review: UB3, T1, T2, T4, T5, E8, R2
Winchester District Local Plan Proposals: EN5, EN7, H1, T9, RT3
Emerging Development Plan- WDLP Review Deposit and Revised Deposit:
DP1, DP3, DP5, H2, RT3, T1, T2, T3, T4

218. **CREATION OF THREE 2-BEDROOM FLATS ON PART OF THE GROUND FLOOR (W05912/06) AND INTERNAL ALTERATIONS TO INFILL AN EXISTING DOOR OPENING TO MEET CURRENT PARTY WALL CONSTRUCTION REQUIREMENTS (W5912/07LB) – BRAMBRIDGE HOUSE, KILN LANE, BRAMBRIDGE, EASTLEIGH**

The Sub-Committee met at the application site at Brambridge House, Brambridge, Eastleigh.

The Chairman welcomed to the meeting Mr O'Donovan, an agent, representing the applicant – the M25 Group; Mr Tudor (Honorary Secretary to the Residents' Association), Mr Miller-Smith, a former resident of the house and Mr Earlam, a resident. Also in attendance were other representatives of the applicant together with residents of Brambridge House.

Mr Keeley and Ms Patterson explained that there were two applications. One was to create three 2-bedroom flats on part of the ground floor, and the second was to obtain Listed Building Consent for internal alterations to infill an existing door opening to meet current party wall construction requirements. It was explained that Brambridge House was a Grade II* Listed Building constructed of stuccoed brick with a slate roof.

In assessing the application, the Councillors were asked to consider the impact on the building of the creation of the three 2-bedroom flats on part of the ground floor, and the insertion of a solid wall between Flat 4 and Flat 5 (currently blocked with a plasterboard partition that does not have consent). Mr Keeley added that the house possibly dated from 1762-3 and was extended in the early 1800s. In 1872 the house was largely destroyed by fire, but the rooms subject to the applications may have survived and possibly pre-date this period. The main house had been sold to a property company in the early 1950s and converted into 14 flats, with the building being Listed in December 1955.

Members of the Sub-Committee and other Councillors in attendance proceeded to view the interior of the proposed three flats. At the request of the applicant, members of the public present were not permitted access to the flats that were the subject of the planning application and Listed Building Consent.

In their inspection of the three proposed flats, the Sub-Committee observed the following:

Flat 6 – the separate bathrooms and kitchen; the 1950's period fuse-box and the music room. Mr Keeley explained how, in the 1960's or 1970's, the music room had appeared to have been separated from Flat 6 without consent and that in 1872 the music room had been part of the entrance hall. He also requested Members to note that the door to the music room and the door surround had probably been taken from Flat 5. There were no Listed Building Consent issues to this flat, and Members were asked to note that an unauthorised partition, dating from the 1960's or 70's would be removed.

In respect of Flat 5, Members were asked to note that two bedrooms had been combined into one, with a door blocked in the 1960's or 1970's. Glass screen partitions had been inserted in the 1950s and that the kitchen had been converted into a dressing room. In addition this flat had its own separate fuse-box and bathroom. The fine wooden panelling and library shelves had been taken from Stubbington Hall, Fareham, and inserted in 1967. The double doors from the dining room to the lounge had replaced a fireplace shown in the 1950's drawings. The stairs to the basement had been removed and the original doorway was now the fuse cupboard. Minor alterations would take place to remove unauthorised works, including partitions and built-in wardrobes in the bedroom. It was also noted that part of this room suffered from dry rot which would be remedied as part of the works taking place under the Section 106 Agreement. Within part of this flat, the living room featured a the fine Adams style ceiling, which would remain unchanged as part of the works. The partition doors inserted in 1967 between Flat 5 and Flat 4 would be

removed and a flat dividing wall with skirting to match would be inserted, if Listed Building Consent was granted.

In respect of Flat 4, Members observed the 1950s kitchen, and the old fuse-box by the front door. It was noted that the decorated ceiling that covered a bedroom and lounge area had been divided by solid walls as part of the 1950's consent, and had again been sub-divided further in the 1960's or 1970's without evidence of any consent. These later partitions would be removed and it was hoped that the ceiling would be undamaged. It was also observed that the windows in Flat 4 were boarded due to the adjoining UPVC conservatory being removed. The bedroom in Flat 4 contained an Adams style ceiling and it was noted that a timber niche had replaced the original door shown on the 1950s plan. The original door to the hall had been covered by 1950's alterations and the decorated panels to the wall probably dated from the 1960's or 1970's.

From this bedroom the party wall to the lounge of Flat 5 could be observed and this had been boarded in modern materials by the present applicant. It was noted that these works would be removed and a proper party wall installed to match, for which the Listed Building Application had been submitted.

After inspecting the three flats, the Sub-Committee re-assembled in the foyer area to the house where members of the public rejoined them.

Mr O'Donovan, representing the applicant, outlined the application as detailed and asked that planning application be approved and Listed Building Consent be given.

At the invitation of the Chairman, Councillor Bidgood, a Ward Councillor, commented that he had recommended that a Sub-Committee visit the application site as there was a difference of opinion between the applicant and the neighbours at Brambridge House on the works required for the application and the Listed Building Consent. Councillor Sutton, a Ward Member also added that the visit of the Sub-Committee was beneficial in order that issues could be clarified between the applicants and the residents of the neighbouring flats. As a member of Colden Common Parish Council, she also commented that the Parish Council would wish to seek a clarification of the issues involved.

In answer to Members' questions, it was clarified that as part of the application, the applicant would unilaterally enter into a Section 106 Agreement to undertake repairs to the outside of the building starting within three months and completing them within twelve months of the approval of planning permission.

At the invitation of the Chairman, Mr Miller-Smith explained that he had been raised in the part of the house now subject to the planning application until its sale in 2001. He provided further information on the history and timing of the installation of kitchens within the three flats and also stated that there was an opening on the party wall between Flat 5 and Flat 4, which bridged the Adams style ceilings, and which had now been closed by the present applicants without permission.

Mr Tudor, at the invitation of the Chairman, added that unauthorised works had been carried out within the proposed flats but without third party collaboration allowing entry to the flats it was difficult to establish and explain the works that had been undertaken. The sub-division of the flats to increase the number of units had involved unauthorised works, which had prompted the residents to contact the Council's Planning Enforcement Team to inspect the building.

Mr Keeley explained that the Planning Enforcement Team had visited the application properties but had established no evidence that unauthorised works had been carried out as they had been given no specific information as to what might have been carried out.

At the invitation of the Chairman, Mr R Earlam stated that it was wrong for the Council to base its judgement on the 1955 listing of the property (when the application properties were sub-divided into three flats). The correct base period should have been September 2000 when the building was listed as Grade II*, and he suggested that this should take precedence. He also raised questions about the provision for car parking as part of the proposals.

Mr Tudor concluded that the proposals by the M25 Group should be critically analysed as previous agreements to carry out repairs to the building had not been satisfactorily completed. He also made reference to a dispute between the Residents Association and the M25 Group regarding ownership issues relating to the building.

The Sub-Committee proceeded to view the proposed parking arrangements. Mr O'Donovan, the applicant's agent produced a plan showing the parking layout. It was explained that there were 14 existing garages and that 5 additional parallel parking spaces would be provided to the front of these garages with a further 9 surface car parking spaces in the front of the existing house. This equated to 28 car parking spaces in total, which complied with the guidance for provision in rural developments. In inspecting the layout of the proposed provision to the front of the 14 garages, Members commented that the manoeuvring area of 6.1metres appeared compromised, especially if 5 parallel parking spaces were also to be provided, and they asked that the Council's Highway Engineer be further consulted on this issue.

In conclusion, all Members of the Sub-Committee recommended supported the applications as set out, subject to issues relating to the car parking provision being resolved to the satisfaction of the Council's Highway Engineer.

Mr Keeley added that the Council's Conservation Team would closely monitor the conversion of the flats to ensure that the installation of, for example, new kitchens and sanitary wares did not compromise the quality of the Listed Building.

RECOMMENDED:

1. That application W05912/06 be approved subject to a S106 agreement to secure the start of repairs works, within 3 months of the date of decision, on the listed building, subject of the Listed Building Consent (reference W/05912/05LB), and the completion of these repairs works within 12 months.

Conditions/Reasons

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990.

02 Before the dwelling units hereby approved are first occupied, a minimum of 2 car parking spaces per dwelling unit, shall be provided within the curtilage of the site, marked out and thereafter maintained and kept available.

02 Reason: To ensure adequate car parking provision within the site in accordance with the standards of the Local Planning Authority.

03 The parking area including the garages shall be provided in accordance with the approved plans before the dwelling is first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.

03 Reason: To ensure the permanent availability of parking for the property.

Informatives

01. 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 54A of the Town and Country Planning Act 1990 (as amended), planning permission should therefore be granted.

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

Hampshire County Structure Plan Review:

H5, H7, H8, R2, E16, T4, T5, T12, UB3, E16

Winchester District Local Plan

H.1, H.5, H.7, EN.1, EN.5, HG.20, HG.23, T.9, T.11, W.1, RT.3,

Winchester District Local Plan Review Deposit and Revised Deposit:

H.2, H.5, H.7, DP.4, DP.5, DP.6, RT.3, HE.13, HE.14, HE.16, DP.1, DP3, T.2, T.3, T.4

03. The planning permission hereby approved does not purport to allow any works to the building, which would require listed building consent under the Town and Country (Listed Building and Conservation Areas) Act 1990.

2. That subject to G.O.S.E. approval, application W5912/07LB be approved.

Conditions/Reasons

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

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

02 No works shall be carried out on site until a schedule of works including material details for making good areas have been supplied to and approved in writing by the local planning authority, and the works shall then be carried out in accordance with those details.

02 Reason: To ensure the materials and details are satisfactory and respect the character of the listed building.

03 This Listed Building Consent does not give consent for any works proposed on the drawing 2076-PL-010 Rev A dated Feb 04 other than those shown on CD- 2076-01 and drawing no 2076/CD/02 dated May 2004 and subsequent plans and amendments that may be agreed in writing with the Local Planning Authority.

03 For the avoidance of doubt.

Informatives

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

Hampshire County Structure Plan Review
H5, H7, H8, R2, E16, T4, T5, T12, UB3, E16

Winchester District Local Plan
H.1, H.5, H.7, EN.1, EN.5, HG.20, HG.23, T.9, T.11, W.1, RT.3,

Emerging Development Plan - WDLP Review Deposit and Revised Deposit
H.2, H.5, H.7, DP.4, DP.5, DP.6, RT.3, HE.13, HE.14, HE.16, DP.1, DP3, T.2, T.3, T.4,

The meeting commenced at 10.00am, broke at 12.15pm, recommenced at 1.45pm and concluded at 16.05pm.

Chairman