

PLANNING DEVELOPMENT CONTROL COMMITTEE

29 July 2004

Attendance:

Councillors:

Busher (Chairman) (P)

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

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

Deputy Members:

Councillor Pearce (Standing Deputy for Councillor Mitchell)

Others in attendance who addressed the meeting:

Councillor Allgood

219. **APOLOGIES**

Apologies were received from Councillor Mitchell.

220. **APPOINTMENT OF SUB COMMITTEES ETC**

RESOLVED:

That in respect of the membership of the Planning Development Control (Royal Observer Corps) Sub Committee, Councillors Bennetts, Beveridge and Evans be deleted from the membership and Councillors Baxter and Jeffer be added.

221. **PLANNING DEVELOPMENT CONTROL (TELECOMMUNICATIONS) SUB-COMMITTEE**

(Report PDC440 refers)

The Committee considered the minutes of the meeting of the Planning Development Control Telecommunications Sub-Committee held on 8 July 2004 (attached as appendix A to the minutes).

RESOLVED:

That the minutes of the meeting of the Planning Development Control (Telecommunications) Sub-Committee held on 8 July 2004 be received.

222. **CONFIRMATION OF TREE PRESERVATION ORDERS**

(Report PDC446 refers)

The Committee noted that the Confirmation of Tree Preservation Order 1835 had taken place at its previous meeting held on 28 June 2004. The Director of Development Services therefore withdrew the report from consideration.

223. **W02331/03: (PLANNING APPLICATION) REMOVAL OF CONDITION 3 OF PLANNING PERMISSION W02331/01 (LIMITED TO AGRICULTURAL OCCUPANCY) STILLWATERS HOUSE, AVINGTON LANE, AVINGTON**

(Report PDC445 refers)

Following detailed consideration of the planning and legal aspects of the report, the Committee reluctantly agreed to the recommendation as set out.

RESOLVED:

That planning permission be granted removing condition 3 of W0233/01

224. **PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**

(Report PDC443 refers)

The Committee considered the minutes of the meeting of the Planning Development Control (Viewing) Sub-Committee held on 12 July 2004 relating to Brambridge House, Brambridge (attached as appendix A to the minutes of the meeting of the Committee held on the 28 July 2004).

The Director of Development Services informed the Committee that since the meeting of the Sub-Committee the applicant (the M25 Group) had indicated that they would enter into a unilateral undertaking for the repair of the listed building as was granted listed building consent in 2002. He continued that as the application would also regularise the situation with respect to reinstating the 3 flats on the site, no Public Open Space Contribution could be requested from the applicant.

Following the request of the Viewing Sub-Committee that the City Council's Highway Engineer be re-consulted on issues relating to the car parking arrangements on site, the Highway Engineer was present at the meeting and reconfirmed that there was no highway objection to the application. It was explained that the proposed layout provided a manoeuvring area of 6.1 metres which, although less than the standard of 7 metres, would nevertheless provide sufficient room to access the garages.

In reply to Members' questions, the City Secretary and Solicitor clarified that the unilateral undertaking by the applicant would be in place of the Section 106 agreement to secure repairs to the listed building. However, the local planning authority would still need to be satisfied that the detail of the unilateral undertaking would satisfy the terms of the Section 106 agreement, to include the list of repairs required to the listed building as specified by the Conservation Section of the Directorate of Development Services.

Therefore, in approving the applications as set out, the Committee agreed that planning application W05912/06 should be approved subject to the Director of Development Services in consultation with the City Secretary and Solicitor and the Chairman of the Committee agreeing that the unilateral undertaking by the applicant fulfilled the requirements of the section 106 agreement for the repair of the listed building.

RESOLVED:

That subject to the Director of Development Services in consultation with the City Secretary and Solicitor and the Chairman of the Committee agreeing that the unilateral undertaking put forward by the applicant satisfies the requirements of the section 106 agreement in respect of repairs to the listed building, then application W0512/06 be approved as set out in the schedule which forms an appendix to the minutes and that subject to Government Office of the South East approval, application W5912/07LB be approved as set out in the schedule which forms an appendix to the minutes.

225. **DEVELOPMENT CONTROL APPLICATIONS**
(Report PDC442 refers)

The schedule of development control decisions arising from the consideration of the above report is circulated separately, and forms an appendix to the minutes.

Councillor Davies declared a personal (but not prejudicial) interest in respect of items 3, 10 and 12 as he was a member of the City of Winchester Trust, which had commented on these applications, and he spoke and voted thereon.

Councillor Bennetts declared a personal and prejudicial interest in respect of item 3 as he had known one of the families involved in the application for a number of years and he left the meeting during the consideration of this item.

Councillor Sutton declared that in respect of items 4 and 11 she was a member of Colden Common Parish Council, which had commented on these applications, but she had taken no personal part in the discussion of these applications by the Parish Council and she spoke and voted thereon.

Council Beveridge declared a personal (but not prejudicial) interest in respect of item 12, as he was a member of the City of Winchester Trust, which had commented on this application, and he spoke and voted thereon. He also declared a personal and prejudicial interest in respect of item 3 and he left the meeting during the consideration of this item.

Councillor Tait declared a personal (but not prejudicial) interest in respect of item 10 as he had previously lived in Cheriton Road until June 2002 and the applicant and the objectors were personally known to him, and he spoke and voted thereon.

In respect of item 1 – 2 Parklands, Thompsons Lane, Denmead, Mr A Harris, Agent, spoke in support of the application. At the invitation of the Chairman, Councillor Allgood, a Ward Member, spoke on this item. In summary he stated that Thompsons Lane was a narrow road where cars sometimes double parked. It was a fear of neighbours that a second detached double garage would lead to additional parking concerns, particularly if visitors' vehicles were also taking into consideration. There was also a concern at the development of a small plot and the close proximity of the garages between the properties at no. 1 and no. 2 Parklands. He requested that to

satisfy the concerns of the neighbour at no. 1 Parklands, if possible the gap between the garages be increased to 1.5 metres from the 1 metre proposed and also that a condition be included to maintain the hedge in its current condition. In response to comments made, Mr Harris stated that the distance between the garages would be increased to 1.5 metres if this was required by the local planning authority. Following debate, the Committee approved the application as set out.

In respect of item 2 – Wallers Ash Tunnel, Alresford Drove, South Wonston, Mr A Partridge, Agent, spoke in support of the application. The Director of Development Services informed the meeting that Councillor Wright, a Ward Member, had enquired as to the composition of the bunds that would be provided on site. The Director stated that these would need to be of an inert material otherwise the Environment Agency would need to be consulted. The Council's Environmental Health Officer was present at the meeting and confirmed that the bunds would be constructed of a clear fill material and no contamination would result.

The Director also commented that in his presentation Mr Partridge had referred to a letter with 18 signatures in support of the application, but no record of this had been found on the planning file.

In the Committee's consideration of the application, a Member suggested that the Strategic Rail Authority should be consulted on the application as the main London to Southampton railway line ran close to the application site. It was also suggested that condition 6 be amended to ensure that the red flag used to warn users of Alresford Drove of sudden loud noises should be removed at the conclusion of each shoot. After consideration, the Committee agreed that the application be approved as set out subject to the Strategic Rail Authority having no objection to the proposals and that condition 6 be amended in order that the red flag to be flown at the frontage of the site to warn users of Alresford Drove of sudden loud noises should be removed at the conclusion of each shoot.

In respect of item 3 – Land to the rear of 3-9 Park Road, Winchester, Mr Moore representing Park Road Environmental Protection Group spoke in objection to the application and Mr Wilmshurst and Mr Muscroft spoke in support of the application. The Director of Development Services stated that since writing the report a further 30 letters of objection had been received reiterating points of objection as set out in the report. The applicant had also offered an additional affordable unit to the scheme and would keep the Victorian villas as single residential family units. The retention of the Villas as single residential family units was in response to neighbours' concerns that these dwellings would be subdivided into flats. With the extra unit of affordable housing, 43% of the accommodation to be provided would be of affordable housing, which was in excess of the Council's guidance.

In response to points raised by Members with regards to traffic problems in Park Lane, the Council's Highway Engineer commented that it was the intention of Hampshire County Council to place traffic signals on the Park Road railway bridge which would give cycle and pedestrian crossing priority. The works would be funded by financial contributions obtained from neighbouring schemes and this scheme would also contribute towards the cost of these works to the sum of £44,000. Although a date for these works had not been set, the proposals would sit favourably within the County's Capital Programme as developer contributions had been obtained to cover the cost of the works.

The Director of Development Services also added that the density of development met with Government guidance. Following the suggestion of a Member, the applicant stated that he would discuss with contractors on site during the construction period that they would not turn left towards the bridge in Park Road and that access should be off the Andover Road only. The Director of Development Services stated that this could be added as an informative to any granting of permission.

Following debate, the Committee agreed to the application as set out with the addition of the informative as stated.

In respect of item 4 – Fishers Hut, Hensting Lane, Fishers Pond, Mr Penny, Agent, spoke in support of the application. Following consideration, the Committee agreed to refuse the application on the grounds that the proposed detached double garage and store with room in roof represented over development and was too high for its situation. The inclusion of a balcony at first floor level was also not compatible with its description as domestic storage. The detailed wording of the refusal was delegated to the Director of Development Services in consultation with the Chairman to agree.

In respect of item 5 – Heather Glen, Main Road, Itchen Abbas, Mrs A Matthews representing Itchen Valley Parish Council spoke in support of the officers' recommendation to refuse planning permission and Mr A Burgess spoke against. Following debate the Committee agreed to refuse the application as set out.

In respect of item 6 – Abbotsbury, School Lane, Itchen Abbas, Winchester Mr Thomas and Mr Sloan spoke against the application and Mrs A Matthews representing Itchen Valley Parish Council also spoke against the application. Mr Johns, Architect spoke in support of the application. In introducing the application, the Director of Development Services clarified that 42 letters of representation had been received in respect of the application and not 12 as stated in the report. It was also clarified that although the Parish Council had raised the issue of bats foraging on the application site, English Nature had not chosen to inspect the application site and there was national protection for bats. It was also noted that although the site was not within the urban capacity study it was regarded as a windfall site for development as it was contained within the settlement boundary. Following debate, it was agreed that the Planning (Viewing) Sub-Committee should visit the application site at 9.30am on 16 August 2004 in order that issues relating to density, design landscaping and effect of the development on the character of the area could be assessed on site.

In respect of item 8 – Land adjacent to Stocks Meadow, Stocks Lane, Meonstoke Mr A Harris, Agent, spoke in support of the application and against the officers' recommendation for refusal. In introducing the report, Director of Development Services stated that the Area of Outstanding Natural Beauty Officer had objected to the application in that the application was outside of the settlement area and would be detrimental to the AONB. The proposals also had inadequate visibility splays at the point of access. In assessing the application, although sympathetic to the personal circumstances regarding disability as put forward by the applicant, on balance the Committee agreed that the policy considerations outweighed the personal circumstances and agreed to refuse the application as set out.

In respect of item 12 – 10 Rowlings Road, Winchester, Mr Scriven, Applicant, spoke in support of the application. The Director of Development Services informed the Committee that Councillor Berry a Ward Member had requested that the Committee determine the application as she had stated that the garden was too small to accommodate the development; there would be too many residents in the flat generating noise and car movements to the disturbance of neighbours and that there could be possible extensions into the loft area and the detrimental precedent the application would set. The Director of Development Services explained that as flats had Permitted Development Rights removed there was no possibility of further extending into the loft area without obtaining planning permission. After taking into consideration the points made by the applicant and Councillor Berry, the Committee agreed to support 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 the Planning (Viewing) Sub-Committee visit application site no. 6 – Abbotsbury, School Lane, Itchen Abbas on 16 August 2004 to commence at 9.30am, and that Councillors Baxter, Busher, Davies, Evans and Johnston be appointed to serve on the Sub-Committee.

3. That in respect of item 4 – Fishers Hut, Hensting Lane, Fishers Pond, the Director of Development Services in consultation with the Chairman be given delegated authority to agree reasons for refusal.

226. **EXEMPT BUSINESS**

RESOLVED:

That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

| <u>Minute Number</u> | <u>Item</u> | <u>Description of Exempt Information</u> |
|----------------------|---|---|
| 227 | Authority for enforcement action at the Pine Service Station, Southwick Road, Wickham | <p>Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-</p> <p>(a) any legal proceedings by or against the authority, or</p> <p>(b) the determination of any matter affecting the authority, (whether, in either case, proceedings have been commenced or are in contemplation). (Para 12 to Schedule 12A refers).</p> <p>Information which, if disclosed to the public, would reveal that the authority proposes:-</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment. (Para 13 to Schedule 12A refers).</p> |

227. **AUTHORITY FOR ENFORCEMENT ACTION AT THE PINE SERVICE STATION, SOUTHWICK ROAD, WICKHAM**
(Report PDC444 refers)

The Committee considered the above report which summarised the relevant planning and enforcement history at the above premise and proposed a course of legal action to be undertaken.

RESOLVED:

That the three recommendations set out in Report PDC444 be approved and adopted.

The meeting commenced at 2.00pm and concluded at 7.50pm

Chairman

PLANNING DEVELOPMENT CONTROL (TELECOMMUNICATIONS) SUB-COMMITTEE8 July 2004Attendance:

Councillors:

Bennetts (Chairman) (P)

Baxter (P)
Busher (P)
Johnston (P)Pearson (P)
Read (P)Officers in attendance:

Ms E Fettes (Senior Planning Officer)

228. FIVE METRE INCREASE IN HEIGHT OF EXISTING 25 METRE LATTICE MAST TO TOTAL HEIGHT OF 30 METRES WITH THREE ANTENNAE, TWO 600mm DISH ANTENNAE AND RADIO EQUIPMENT HOUSING AT SHRONER WOOD TELECOM MAST, CHILLANDHAM LANE, MARTYR WORTHY, WINCHESTER

The Sub-Committee met at the application site situated within Shroner Wood, north of Chillandham Farm between the M3 motorway and the A33 Basingstoke Road. The Sub-Committee noted that there was an existing Orange mast compound approximately 30 metres to the north. This was currently shared by Vodafone and T-mobile.

The Chairman welcomed to the meeting Mr Chapman from Patrick Farfan Associates Limited, on behalf of the applicants, O2. Also present was Mrs Matthews, Chairman of Itchen Valley Parish Council. No members of the public were present.

In introducing the proposals, Ms Fettes explained that the existing lattice mast (owned by Hutchinson 3g) measured 22.5 metres and the proposal was to increase the overall height to 30 metres to accommodate O2 equipment. The proposals would comprise of an extension of 5 metres in total with the relocation of Hutchinson 3g antennas at 28.3 metres and attaching three O2 panel antennas and two O2 dish antennas at 27 metres high. An additional equipment cabinet and ancillary equipment was also proposed within the existing compound measuring 10 x 12 metres. The proposal was to provide third generation mobile telecommunications coverage for the applicant in the Winchester Services area, M3 motorway and the surrounding area.

Ms Fettes reported that one objection had been received from Itchen Valley Parish Council who were concerned at the visual intrusiveness of the existing structure and of proliferation of masts at this location.

It was explained that surrounding trees were approximately 20-25 metres high and therefore the proposals would be approximately 5 metres above the tree line. Ms Fettes advised that officers had considered that the increase in height was not too visually intrusive and preferable to a separate mast in the vicinity to accommodate the proposals. Furthermore, Ms Fettes suggested that that it was unlikely that permission would be granted for a mast higher than the 30 metres proposed.

Members noted that as no ICNIRP certificate had been supplied by the applicant, this would be supplied as part of a condition of any subsequent approval that the proposals. Mr Chapman assured the meeting of the proposals complied with the guidelines

The Sub-Committee observed that the existing structure was not painted and Mr Chapman stated that the painting of the mast a suitable colour would be acceptable to his client.

Mr Chapman also advised that the existing slim-line tower was largely to remain the same, however some modification to the bottom section of the structure was necessary. There was to be no increase in the size of the concrete plinth. Members noted that the existing structure only had one dish in place, however there was permission for up to five to be implemented.

At the invitation of the Chairman, Mrs Matthews reiterated the concerns of Itchen Valley Parish Council as detailed in their representation regarding the proposals. Members were advised that the Parish Council would prefer an additional mast to accommodate the proposals rather than for the extension of the existing structure above the tree line. The Parish Council stated that they would welcome non-reflective painting of the mast.

In conclusion, Members agreed on balance to support the planning application as it was considered that the extension of the existing mast would be less visually intrusive than construction of an additional structure to accommodate the proposals. It was also agreed that the existing structure and the extension be painted a suitable green colour and that the tree planting be properly maintained.

RESOLVED:

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

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

2. In the event that the development hereby approved becomes redundant or otherwise not required for the purpose permitted, the mast and all associated equipment and enclosures shall be dismantled and permanently removed from the site, which shall be restored to its former condition.

Reason: In the interests of visual amenity.

3. The mast and equipment shall be painted Ivy green BS12C39.

Reason: To ensure that the development presents a satisfactory appearance in the interests of visual amenity.

4. No development or clearance shall take place during the bird breeding season between the months March - July.

Reason: To reduce the impact on and disturbance to the large number of nesting birds and fledglings in the SINC.

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 materials 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.

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

Hampshire County Structure Plan Review: C1, C2, TC1
Winchester District Local Plan Proposals: C1, FS4, EN5, EN7
Emerging Development Plan- WDLP Review Deposit and Revised Deposit: C1, DP3, DP17

3. The applicants attention is drawn to condition 5 of permission W14049/04, which stated that planting should be carried out and maintained for a period of 5 years. It was noted that several of the Oak trees had died or are in bad condition and need replacing.

The meeting commenced at 9.35am and concluded at 10.15am.

Chairman