

PLANNING DEVELOPMENT CONTROL COMMITTEE

8 November 2004

Attendance:

Councillors:

Busher (Chairman) (P)

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

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

Deputy Members:

Councillor Chapman (Standing Deputy for Councillor Pearson)

Others in attendance who addressed the meeting:

Councillors Campbell and Nelmes

1. **APOLOGIES**

Apologies were received from Councillor Pearson and Read.

2. **MINUTES**

RESOLVED:

That the minutes of the meetings of the Committee held on 28 July 2004, 29 July 2004, 8 September 2004, 9 September 2004, 22 September 2004, 27 September 2004 and 28 September 2004 be adopted and approved.

3. **MEMBERSHIP OF SUB COMMITTEES ETC**

RESOLVED:

1 (a) That a Planning Development Control (Hampshire Chronicle Offices, Winchester) Sub-Committee be established, with terms of reference to consider the application in respect of the Hampshire Chronicle Offices Winchester, and to recommend to the Planning Development Control Committee;

(b) That the membership of the Sub-Committee be as follows:

Councillors Baxter, Bennetts, Beveridge, Busher, Davies, Chapman, Evans, Johnston and Tait.

(c) That a meeting of this Sub-Committee be held on Thursday 16 December 2004 to commence at 9.30 am on site and thereafter in The Guildhall, Winchester.

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

(Report PDC473 refers)

Councillor Busher declared a personal and prejudicial interest in the item relating to the site adjacent to the B035 Botley Road, Bishop's Waltham, as the application site was in close proximity to her residential property and she left the meeting during consideration of this item. The Vice Chairman (Councillor Baxter) assumed the Chair for this item only.

The Committee considered the minutes of the meeting of the Planning Development Control (Telecommunications) Sub-Committee held on 20 September 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 20 September 2004 be received.

5. **PLANNING DEVELOPMENT CONTROL (CHESIL STREET, WINCHESTER) SUB-COMMITTEE**

(Report PDC480 refers)

Councillor Davies declared a personal (but not prejudicial) interest in this item as he was a member of the Board of the St Johns Winchester Charity, the applicant, and he left the meeting during consideration of this item.

Councillor Bennetts declared a personal (but not prejudicial) interest in respect of this item as he knew the applicant's architect, and he spoke and voted thereon.

The Committee considered the minutes of the meeting of the Planning Development Control (Chesil Street, Winchester) Sub-Committee held on 29 September 2004 (attached as Appendix B to the minutes.)

The Director of Development Services stated that negotiations were continuing between the applicant and a third party land owner within the application boundary to attempt to secure a more consolidated scheme.

RESOLVED:

That the minutes of the meeting of the Planning Development Control (Chesil Street, Winchester) Sub-Committee held on 29 September 2004 be approved and adopted.

6. **PLANNING APPEALS – SUMMARY OF DECISIONS**
(Report PDC479 refers)

RESOLVED:

That the report be noted.

7. **PLANNING DEVELOPMENT CONTROL COMMITTEE – INFORMAL MEETING**
(Report PDC482 refers)

The Committee received the notes from its informal meeting held on 11 October 2004.

The notes were corrected to include Councillor Busher as being present at the meeting.

The Committee agreed that the notes should be forwarded to Parish Councils for their information.

RESOLVED:

That the notes of the informal meeting of the Planning Development Control Committee held on 11 October 2004 be received.

8. **LAND TO THE REAR OF WINA, CHURCHILL AVENUE, BISHOPS WALTHAM**
(Report PDC483 refers)

The above item had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item on to the agenda as a matter requiring urgent consideration due to the need to determine the planning application at the earliest opportunity.

Arising out of consideration of the Report, it was agreed that the Portfolio Holder for Planning, in consultation with the Director of Development Services, consider the issues arising from the County Council's decision that a contribution towards highway improvements was not appropriate in certain circumstances and how this matter could be progressed with the County Council.

RESOLVED:

1 That planning permission be granted in accordance with the recommendation, without the requirement of the applicant to make the financial contribution towards highway improvements, but with the addition of a condition to ensure that the two semi-detached smaller units of accommodation on the site were not converted into one larger detached property at a later date.

2 That the Portfolio Holder for Planning and the Director of Development Services consider the issues arising from the County Council deciding that contributions towards highway improvement works are not appropriate in certain circumstances and how this matter could be progressed.

9. **DEVELOPMENT CONTROL APPLICATIONS**
(Report PDC477 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 Beveridge declared a personal (but not prejudicial) interest in respect of Item 5 as he was a member of the City of Winchester Trust which had commented on this application, and he spoke and voted thereon. Councillor Beveridge also declared a personal and prejudicial interest in respect of Items 9 and 10 as he was involved in the fund raising activities of Winchester College, the applicant, and he withdrew from the meeting for consideration of these items.

Councillor Busher declared a personal (but not prejudicial) interest in respect of Item 4 as she was acquainted with the developer and the objectors but had not discussed the application with these parties, and she spoke and voted thereon. She also declared a personal (but not prejudicial) interest in respect of Items 9 and 10, as her sons had attended Winchester College, the applicants, and she stayed and voted thereon. In addition, she declared a personal (but not prejudicial) interest in respect of Item 11 as the application was from Bishops Waltham Parish Council and she had attended its meetings but had taken no part in the debate on individual projects, and she was also known to the public speakers. She remained in the meeting and spoke and voted on these items.

Councillor Davies declared a personal (but not prejudicial) interest in respect of Items 5, 9 and 10 as he was a member of the Council of the City of Winchester Trust, which had commented on these applications and he spoke and voted thereon.

In the public participation part of the meeting the following items were discussed:-

In respect of item 1, land at The Sawmills, Durley, Mr R Ray (agent) spoke in support of the application. Mr Ray requested that the Committee give further consideration to Conditions 15, relating to the Green Travel Plan, and 16 relating to woodland adjacent to the east of the site and that these Conditions be amended for the reasons stated in his representation. Following debate, the Director of Development Services stated that Condition 16 related in part to land outside of the control of the applicant and therefore this reference within Condition 16 could be deleted. In addition, in respect of Condition 15 relating to the Green Travel Plan, the requirement to approve the Plan prior to commencement of the development could be amended to refer to "prior to occupation of the first unit". The Committee approved the amendments to Conditions 15 and 16 as set out. In addition, Mr Ray made reference to Condition 14 and to woodland to the front of the site, stating that this was in error and there was no woodland in the position stated. This was also accepted by the Committee and the reference to the woodland area to the front of the site was deleted from Condition 14.

In respect of Item 2, The Bold Forester, Forester Road, Soberton, Councillor Campbell, a Ward Member, spoke on this item at the invitation of the Chairman. In summary, she stated that Soberton Parish Council had also raised a number of questions about the application. These included the suggestion by the applicant that the separate house be legally tied to the present owner, and the period that the legal tie would be valid for. She continued that the application represented backland development; that there had previously been no need for separate accommodation as this had been incorporated within the public house; that the public house had been allowed to deteriorate, that there were already outstanding enforcement issues that should be pursued and there remained uncertainty that if the public house failed as a

going concern and was sold, what would be the implications for the status of the detached three bedroom dwelling. There was also a question as to whether the proposed additional accommodation was in the countryside or was contained within the H2 policy development boundary. In answer to these questions, the Director of Development Services confirmed that the detached three bedroom dwelling would be within H2 policy frontage for development and was not in the countryside. Following debate, the Committee agreed that its Viewing Sub-Committee should visit the application site on Tuesday 30 November 2004 to assess the relationship between the application building and the existing listed building, the proposed location of the detached three bedroom dwelling and also the relationship of the provision of car parking with the new dwelling.

In respect of Item 4 – Orchard Lodge, Hoe Road, Bishops Waltham, Mrs D Small spoke in objection to the application and Mr R Buchanan (agent) spoke in support. Further to the detail in the Report, the Director of Development Services informed the Committee that the applicant had offered to make a voluntary contribution of £10,000 towards traffic improvements in the Bishops Waltham area. The City Secretary and Solicitor instructed that at this stage the Council would be unable to receive the financial contribution as no current policy existed for its collection. In its consideration of the application, a number of Members commented that the proposal represented over-development of the site and concern was expressed at the loss of Cricklewood, an Edwardian detached house, which, although not listed or in a Conservation Area, nevertheless represented a fine period dwelling. It was also commented that within the proposed layout scheme, dwelling No. 9 was proposed to have obscure glazing to its kitchen window because of its close relationship to 5 Cricklewood Close. However, some Members commented that this did not appear to be a satisfactory solution, and it was requested that further consideration be given to its inclusion. Therefore, following debate the Committee agreed to defer the application for the Director of Development Services to enter into negotiations with the applicant to reduce the number of units to be developed on the site by 1, to reconsider the inclusion of obscure glazing to the kitchen window of No 9 on the indicative layout plan and to request the Council's Conservation Officer to consider the possible retention of Cricklewood, the Edwardian detached dwelling.

In respect of Item 5 – land to the rear of 67-73 Bar End Road, Winchester, Mr Underwood spoke in objection to the application and Mrs Hauser (agent) spoke in support. Following consideration, the Committee supported the officers' recommendation to approve the application as set out in the Report.

In respect of Item 6 – 5 Moorlands Road, Swanmore, at the invitation of the Chairman, Councillor Campbell, a Ward Member, spoke in objection to this application and Mrs L Tester spoke in support. The Director of Development Services circulated at the meeting a revised site layout plan and details of the existing elevations and the proposed elevations. In summary, Councillor Campbell stated that she objected to the application due to issues of over-shadowing, that the application property would be over large and the impact on the neighbouring No 7 Moorlands Road. The issues for No 7 Moorlands Road were that from a period from October to March there would be no direct sunlight to the side of their property, which contained solar panels, therefore reducing their effectiveness. There would be overlooking from the north elevation and the difference in height of the roof was large. There was also an issue over the bulk of the roof and the visual impact of using red tiles. At present No 5 Moorlands Road acted as a stepping stone in terms of elevations between Nos 3 and 7 Moorlands Road, and this would be lost. After taking into account the comments made, the Committee agreed to approve the application as set out.

In respect of Item 7 – No 18 Denham Close, Winchester, Mrs Boyd spoke in support of the application. At the invitation of the Chairman, Councillor Hiscock, a Ward Member, also spoke in support of the application and against the officers' recommendation for refusal. In summary, he stated that he was against the placing of a Tree Preservation Order on the lime tree as there were other specimen trees within the large formal garden; that the lime tree had been pollarded and was now an odd shape and also that it provided no amenity value. There were also issues over the loss of the light that the tree imposed on neighbouring dwellings and that the tree would be replaced by a more suitable specimen if it was allowed to be felled. Following consideration of the points made, the Committee agreed to support the recommendation to refuse the felling of the lime tree as set out in the Report.

In respect of Item 8 – Caffé Nero, 107 High Street, Winchester, Miss Woodhead and Mr Price (applicant) spoke in support of the application and against the officers' recommendation for refusal. At the invitation of the Chairman, Councillor Nelmes, a Ward Member, spoke on this item. In summary, Councillor Nelmes stated that she was in support of Caffé Nero's application. In comparison with other coffee houses in the town, Caffé Nero provided good access and the facility was very popular. In making its assessment of the application, the Committee questioned the Director of Development Services over the mix between A1 and A3 retail use that might produce an acceptable application. It was established that the majority use of the premises would need to be A1 for the application to be A1 use, with the café use (A3) to be a minor use and to be to the rear of the premises. It was also established that Caffé Nero did make preliminary enquiries of the Director of Development Services over possible premises but did not include this site or apply for planning permission in making its choice at 107 High Street, Winchester. Enforcement action had been taken on 3 March 2004, leading to the retrospective planning application in August 2004. After debate, the Committee agreed to support the officers' recommendation as set out.

In respect of Item 11 – Recreation Ground, Hoe Road, Bishops Waltham, Mr Fewings spoke in objection to the application and Mr M Livermore, on behalf of Bishops Waltham Parish Council, the applicant, spoke in support. The Director of Development Services outlined to the Committee details of further letters of representation that had been received. Following debate, the Committee supported the application as set out.

In respect of Item 14 – land between Arbour Cottage and Tanglewood, Upham Street, Lower Upham, Mrs Bartlett spoke in support of the application and against the officers' recommendation for refusal. The Director of Development Services reported that representation had now been received from Upham Parish Council, who also objected to the application in that it was contrary to the Village Design Statement, the proposals were too large and not in keeping with the character of the area. They also commented that the land was agricultural; there would be a loss of views and the proposals would also affect a pedestrian access. In addition, there had been five further letters of objection to the application and the details of these were outlined to the Committee. Following consideration of the application, the Committee agreed to support the officers' recommendation for refusal 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 4 – Orchard Lodge, Hoe Road, Bishops Waltham, the application be deferred to allow the Director of Development Services to negotiate with the applicant the possible removal of one unit from the development to achieve a more satisfactory density of development; that the inclusion of obscure glazing to the kitchen of Unit 9 on the indicative layout drawings be given further consideration, and that the Council's Conservation Officer be requested to look at the merits of the retention of Cricklewood, the detached Edwardian dwelling.

3 That in respect of Item 2 – The Bold Forester, Forester Road, Soberton, the Planning Development Control (Viewing) Sub-Committee visit the application site to assess the relationship between the application building and The Bold Forester; the location of the application building and the relationship of car parking with the new dwelling, and that Councillors Baxter, Bennetts, Busher, Saunders and Tait be appointed to serve on the Sub-Committee at its meeting to be held on 30 November 2004.

The meeting commenced at 2.00 pm and concluded at 7.15 pm.

Chairman