

PLANNING DEVELOPMENT CONTROL COMMITTEE

16 November 2006

Attendance:

Councillors:

Jeffs (Chairman) (P)

Baxter (P)
Bennetts (P)
Beveridge (P)
Busher (P)
de Peyer (P)
Evans (P)
Huxstep (P)

Lipscomb (P)
Johnston (P)
Read (P)
Ruffell (P)
Saunders
Sutton (P)

Others in attendance who addressed the meeting:

Councillors Cook and Wright

Others in attendance who did not address the meeting:

Councillors Beckett and Wood

1. **APOLOGIES**

Apologies were received from Councillor Saunders (and Deputy Members Councillors Godfrey and Pearson).

2. **MINUTES**

RESOLVED:

1. That the minutes of the previous meetings of the Committee held on 6 July, 27 July, 24 August (less exempt business) and 14 September 2006 be approved and adopted.

2. That the minutes of the previous meeting of the Committee held on 5 October 2006 be approved and adopted subject to the corrections, as shown in bold below, to Minute 385 (referring to Item 6: Demolition of former Royal Observer Corps Headquarters building, Abbotts Road, Winchester – Case Number: 06/02251/LIS):

'The Committee also noted the concerns of English Heritage that marketing of the site in its entirety had not taken place **fully**, which did not accord with the guidance contained in PPG15. Therefore, the building's incorporation into an alternative scheme might have been possible. It was also recognised that any partial retention of the building (for example, the brick built plotting room to the rear) would

not serve any useful purpose in terms of its overall historical significance. Furthermore, partial retention would almost certainly result in 'de listing' thus allowing the owner to demolish it without consent. **It was suggested by a Member that the brick plotting room only be retained as a significant visible reminder of the building and that it be incorporated into new housing, but the Committee was told that the rejection or deferment for further consideration of part of an application was not possible, and that if the Committee wanted consideration of this possibility to be made, the only way to achieve this was to vote against the whole application.'**

3. **DEVELOPMENT CONTROL APPLICATIONS**
(Report PDC657 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 Items 1 and 5 as he was a Member of the City of Winchester Trust which had commented on both applications and he spoke and voted thereon.

Councillor Lipscomb declared a personal (but not prejudicial) interest in respect of Items 2, 3 and 4. With regard to Items 2 and 3, he had spoken at the Committee against previous applications on this site, in his capacity as a Ward Member. With regard to Item 4, again in his Ward Member capacity, he had responded to a request for advice from the applicant and his agent. In respect of all three applications he confirmed that he had no personal involvement, but did not want the possible perception to arise that he may have pre-judged the applications. He withdrew from the body of the Committee for consideration of all three items and addressed the meeting as a Ward Member in each case.

Councillor Lipscomb also declared a personal (but not prejudicial) interest in respect of Item 7 as he was a member of the South Downs Joint Committee, who had objected to the application. He spoke and voted thereon.

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

Item 1: Rutland House, 11 Park Road, Winchester– Case Number: 06/02676/FUL

Ms Burge and Mrs Blakely spoke in opposition to the application, and Mr Morris (applicant) spoke in support.

Following debate, the Committee approved the application as set out, subject to an additional condition that adequate sight lines were achieved at the entrance to the site, either by restricting the retaining wall in height or alternatively by provision of a visually permeable fence. Furthermore, the Committee agreed that Condition 15 be amended to require that a semi permeable material was incorporated within the parking area so as to limit water runoff, to the satisfaction of the Council's Drainage Engineer.

Item 2: Land At Rear of 63 - 67 Church Street, Micheldever – Case Number: 06/02231/FUL

Dr Wykefield and Mr Bothan (representing Micheldever Parish Council) spoke in opposition to the application. Mr Holmes (applicant) spoke in support.

Councillor Wright (a Ward Member) also spoke in opposition to the application. In summary, he stated that the scheme created a traffic hazard to pedestrians and also had a detrimental impact on the Conservation Area. He was also concerned that English Heritage had not been consulted promptly.

Also as a Ward Member, Councillor Lipscomb spoke in opposition. In summary, he also highlighted highway safety, notably the hazardous junction at Rook Lane. He commented that the proposals (including the proposed highway improvements) were contrary to Policy HE4 of the Local Plan as they detracted from the Conservation Area and were a negative contribution leading to the urbanisation of the village.

The Director of Development reminded Members that the application was deferred from the meeting of the Committee on 5 October 2006, to allow consultation with English Heritage. The Director reported that, since publication of the Report, their response had been received. In summary, English Heritage's comment regarding the application was as follows:

'The principle impact of the proposal was to the Conservation Area rather than to the listed buildings on the frontage and the scheme sought to resemble local vernacular form, but would be better dealt with as a simple terrace rather than a rather contrived staggered form. More attention to appropriate detail was needed; the window form, false quoins and overstretched arches are unfortunately all standard housing estate components. The proposal was rather unconvincing and a modern contemporary form taking cues from local materials could be more successful. The form of the scheme neither reinforces the character of the Conservation Area, nor adds positively to it'.

In response to these comments, the Director advised that the applicant had, since publication of the Report, agreed to delete the proposed quoin detail and to construct the elevations in good quality stock brick, to simplify the form of the building and relate better to the surrounding development. Therefore, an additional condition was now recommended as follows:

Condition 20 - Amended elevations for the proposed buildings shall be submitted to the Local Planning Authority and approved in writing prior to the commencement of development, to show stock brick to all elevations in place of painted render and quoins. The elevations shall also include some flint inserted in a traditional way, with clay tile to the roofs. The works shall be completed in accordance with the approved amended plans before the dwellings are occupied.

Reason: To ensure that the materials and detailing are sympathetic to the context and conservation area.

The Director also reported that English Heritage had submitted comments on the proposed off site highway works, as follows:

'English Heritage are concerned generally about street furniture and traffic management in villages, and features such as incongruous large yellow signs.

Build outs that are purely for sight lines (rather than overall pavement widening) and yellow bollards could be intrusive and urbanising. The proposals are not very clear, but appear to offer a piecemeal approach, which may not resolve the issue of traffic management and vehicle speeds in the village in an integrated designed manner. It is suggested that the design of road interventions are considered holistically and their possible cumulative impact on the street/village considered'.

The Director also advised that, since publication of the Report, a further letter of representation had been received from Hampshire County Councillor Porter, as follows:

'No amount of mitigation measures could solve the problem of more vehicles leaving a very narrow side street onto a narrow high street in a village. Build outs and illuminated bollards do not sit well with the street scene in a village such as Micheldever. The narrow width of the main road, tight corners and on street parking are adequate methods of traffic calming and it is the issue of more vehicles using and coming out of a side road which is also a public path that residents are concerned about. The new building should not harm and should improve the character and environment in accordance with PPG3.

The Director also advised that, since publication of the Report, a further letter of representation had been received from Councillor Wright as a Ward Member, as follows:

'Hampshire County Council Highway comments in the Report do not take into account previous development in Rook Lane and the village. There are no pedestrian footpaths in Rook Lane or between Rook Lane and the village shop and pedestrians frequently use this route. The entrance onto Church Street is a blind junction, with existing housing fronting onto the footpath of Church Street and onto Rook Lane, making the junction unsafe and unsuited to more traffic'.

The Director of Development reported that an error to the proposal description on page 14 of the Report should be corrected, as shown in bold:

Demolition of 2 no existing garages and erection of **1** no three bedroom and **2** no two bedroom terraced dwellings and 1 no detached three bedroom dwelling.

Furthermore, within the consultation section at page 15 of the Report, the sentences beneath the words "awaiting comments", under English Heritage, were printed in error and should be deleted.

The Director also advised that an email had been received from Councillor Godfrey (a Ward Member) since publication of the Report. He had requested that the application be deferred, as the Committee had not been given enough time to consider English Heritage's comments as background to determining the application. Furthermore, Councillor Godfrey suggested that the proposed additional Condition (as set out above) to address the concerns regarding the design elements of the proposals was not sufficient.

In response, the Director confirmed that the additional condition as set out above, if properly implemented, would address the concerns raised by English Heritage.

During discussion, the Director clarified that all four units of the development would be served by surface parking (with an additional space for 66 Church Street) to be comprised of porous materials that were acceptable in a conservation area, and these would be covered by condition.

The Director also responded to concerns about highway safety, particularly regarding the substandard junction of Rook Lane to Church Street, and confirmed that the proposed off site highway works would lessen the impact any additional traffic movements.

Members also considered that the development would not exacerbate traffic congestion that was generated by the nearby primary school. It was suggested that Hampshire County Council could continue to address such matters via other initiatives, including the safer routes to school scheme.

At the conclusion of debate, Members decided that the proposals (including the off site highway treatment) would not have a detrimental impact on the Conservation Area. Furthermore, previous concerns about over-development outside the settlement boundary had been overcome.

In conclusion, the Committee approved the application as set out, subject to the conditions as detailed in the Report and an additional Condition 20 as set out above.

Item 3: Demolition of two existing garages and erection of one double garage at Land at rear of 63 - 67 Church Street, Micheldever – Case Number: 06/02203/FUL

Dr Wykefield and Mr Bothan (representing Micheldever Parish Council) spoke in opposition to the application. Mr Holmes (applicant) spoke in support.

Councillor Lipscomb, as a Ward Member, also spoke in opposition. He requested that the Committee continue to have regard to representations made in reference to the previous application, as set out above.

The Director of Development clarified that one of the proposed garages was intended to serve 66 Church Street and the other for the main development. It would replace two of the 'open car parking spaces' as detailed in the previous application and leave seven remaining. Responding to Members' comments, the Director advised that the Committee was not compromising the permission granted for the main residential development.

The Committee agreed not to accept the officer recommendation to grant permission, having discussed reasons for refusal relating to the double garage being outside the settlement boundary in a prominent location and because its height and mass would adversely affect the character of the area. The Committee agreed to refuse permission and delegated authority to the Director of Development, in consultation with the Chairman, to finalise the wording of reasons for refusal consistent with those in summary form above.

Item 4: Trailer Tek, The Old Grain Store, Warren Farm, Andover Road, Micheldever Station - Case Number: 06/02940/FUL / W11109/07 (RETROSPECTIVE)

Mr Bothan (representing Micheldever Parish Council), Mrs Edan (applicant) spoke in support of the application.

Councillor Lipscomb, as a Ward Member, also spoke in support. In summary, Councillor Lipscomb stated that Trailer Tek was a specialised business that supported many local services (as well as the wider community) and that most of the site was for storage and not retail. Although recognising that the Council's policies did not support establishing new retail activity in the countryside, he suggested that flexibility should be applied, as an evolving rural economy increasingly necessitated diversification. Finally, there was no tangible evidence in this instance that demonstrated that this business was inappropriate and unsustainable in this location.

During discussion, the Director of Development explained that policies were mindful of the need for diversification in the countryside. For example PPS7 encouraged the use of redundant rural buildings for alternative purposes, but in terms of this use only in sustainable locations. In this instance, the applicant was utilising the site for predominately retail purposes with a customer base over a wide area.

Members noted that the applicant had been requested to provide evidence to suggest that the site was utilised predominantly for storage and that its customer base was mostly from within the locality, as the officers' assessment indicated otherwise. Responding to a suggestion, the Director advised that conditioning any subsequent permission to limit the operation of the business to the current owner, and to restrict its operation, would be open to challenge by anyone else taking over the site.

During further debate, Members were mindful of the precedent that could be set by granting planning permission. However, the Committee needed to be fully satisfied that there was evidence that the applicant was operating outside of policy. In conclusion, the Committee agreed not to accept the officers' recommendation to refuse planning permission and subsequently agreed to defer its decision, to enable the Director of Development to clarify aspects of the operation of the business with the applicant, to assist in formulating possible reasons and conditions to be considered when the application is considered at a future Committee meeting.

Item 5: 14 Clifton Road, Winchester - Case Number: 06/02709/FUL

The Director of Development advised that this item had been deferred to a future meeting of the Committee at the request of the applicant, due to an issue over land ownership.

Item 6: Land to the Rear of 34 - 60 Grange Road, Alresford - Case Number: 06/02599/FUL

Mr Wilson and Councillor Cook (a Ward Member) spoke against the application and Mr Luken (agent for the applicant) spoke in support.

Councillor Cook stated that he was concerned that Hampshire County Council Highway's report had not been made available on the Council's website. He raised concern over the impact that additional traffic would have on local roads and suggested that, although Grange Road had been classified as wide enough for two-way traffic, inward leaning trees compromised this in places. Furthermore, the proposed junction from the development site with Grange Road would be hazardous. Councillor Cook reported existing traffic hazards at the junction at Jacklyns Lane and Nursery Road and at Jacklyns Lane Bridge, and elsewhere in the vicinity. Referring to impact on ecology, he considered that the consultant's report was substandard, as it had not made reference to the known habitats of endangered species within the site. He was also concerned at the impact on the amenity of nearby residents' homes

that, following the removal of significant trees, would be overlooked by the development.

The Director of Development advised that since publication of the Report, the detail of a proposed Section 106 Legal Agreement had been clarified as follows:

- Highways financial contribution - £55,000
- Public Open Space financial contribution - £68,127 (£12,264 of which is a refundable surety)
- Footpaths – To secure the provision of the footpath leading to Bridge Road, should the remainder of the land become available. To secure the provision of the footpath to Perin’s School on completion of the development.
- Affordable Housing – Provision of 10 units on-site; together with a financial contribution equivalent to 0.2 of a unit.

The Director also reported that within the Report, representations attributed to Councillor Scott should read ‘Councillor S Cook’. Councillor Cook’s representation had, due to an error, not been appended to the Report and this was circulated to the Committee.

The Director also requested that an additional condition be added, to secure implementation of the remedial measures identified within reports submitted by consultees, as follows:

Development shall not commence until the measures identified within the Geo-Environmental and Geotechnical Interpretive Report (Barratts Southampton); dated 22 June 2005; project number 12061088; file reference 12061088/001/02 and the Grange Road, Alresford Ground Gas Assessment (Barratts Southampton); dated June 2006; project number 12061088; file reference 12061088/001; have been implemented.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of the future occupants.

The Director of Development also reported that, since publication of the Report, the following correction (shown in bold) should be made to the Highways/Parking description within the Report:

The development proposes 34 dwellings with **73** parking spaces, resulting in 2.8 parking spaces per dwelling.

In response to the concerns raised by Councillor Cook, the Director of Development stated that ecological surveys had been carried out to the satisfaction of Natural England. In addition, developer contributions had been sought by way of a Section 106 Legal Agreement for various highway and pedestrian route improvements within the vicinity.

Members referred to the design and density of the proposals and following debate, the Director recommended that an additional condition be added (its exact wording be delegated to the Director of Development, in consultation with the Chairman) to ensure that larger scaled drawings showing typical details of elements of the scheme be submitted for officer consideration before development commences.

At the conclusion of debate, the Committee agreed to raise no objection to the application, subject to conditions in the Report and as set out above.

Item 7: Exton Park Organics, Allens Farm Lane, Exton - Case Number: 06/02837/FUL

A representative from Brian Jezeph Planning Consultancy (representing a neighbour) spoke against the application and Dr Hutchinson spoke in support.

The Director of Development advised that, since publication of the Report, a letter had been received from Exton Parish Meeting stating that following the convening of its biannual meeting on 6 November 2006, it had been agreed that the Parish Meeting's earlier representation dated 18 October 2006 be withdrawn.

The Director also reported that since publication of the report, an objection to the application had been received from South Downs Joint Committee (AONB) as summarised as follows:

'The current application does not, in the Joint Committee's opinion, differ to a significant enough extent to suggest the Inspector's reasons for turning down that application has been overcome.

The proposals would require significant excavation, resulting in permanent landscape change. Even if this did result in the building being entirely screened from view it cannot be justified, given that there are more suitable locations elsewhere (as noted by Inspector). The applicant's concerns are appreciated regarding security but this cannot be the driving force in determining where a new dwelling is to be located (PPS7 refers). This was also noted by the Inspector in reaching her decision'.

At the conclusion of debate, the Committee agreed to support the officer's recommendation to refuse planning permission for the reasons given

Item 8: Land to the Rear of 50 - 52 Wavell Way, Winchester - Case Number: 06/02731/OUTLINE

Ms Cornish spoke against the application and Mr Pettett (applicant's agent) spoke in support.

In response to questions, the Director of Development confirmed that he was satisfied that the application had overcome previous objections as the proposed dwellings were in proportion to existing bungalows in adjacent Montgomery Close.

The Committee agreed to grant planning permission subject to conditions.

In respect of items that were not subject to public participation, the following item was discussed:

Item 9: South Dene, Lower Chase Road, Waltham Chase - Case Number: 06/02944/FUL

Following debate, the Committee agreed to grant planning permission subject to conditions as set out in the report.

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 1, planning permission be granted subject to conditions and that authority be delegated to the Director of Development, in consultation with the Chairman, to consider amending Condition 15 (referring to surface water drainage) to ensure that its provisions were undertaken only after being agreed by the Council's Drainage Engineer and also to agree an additional condition relating to provision of adequate site lines at the entrance of the site.

3. That in respect of Item 2, planning permission be granted subject to conditions (including additional Condition 20 with regard to the detailing of design).

4. That in respect of Item 3, planning permission be refused and authority be delegated to the Director of Development, in consultation with the Chairman, to draft detailed reasons for refusal based on the following:

The double garage being outside the settlement boundary in a prominent location and because its height and mass would adversely affect the character of the area.

5. That in respect of Item 4, the application be deferred to a future meeting of the Committee for the Director of Development to clarify aspects of the operation of the business with the applicant and following this, to investigate if it is possible to provide planning reasons why the application could be approved subject to conditions.

6. That in respect of Item 5, this item be deferred to a future meeting of the Committee to allow for consideration of an issue of land ownership.

7. That in respect of Item 6, planning permission be granted subject to conditions as set out, including an additional condition relating to the implementation of recommendations in a geo-environmental and geotechnical Interpretive Report and that authority be delegated to the Director of Development, in consultation with the Chairman, to agree an additional condition requiring the submission of further drawings relating to architectural details.

4. **MINUTES OF THE PLANNING (TELECOMMUNICATIONS) SUB-COMMITTEE, HELD 27 OCTOBER 2006**
(Report PDC653 refers)

The Committee considered the minutes of the Planning (Telecommunications) Sub-Committee held on 27 October 2006 at Harestock Sub-Station, Stockbridge Road, Winchester (attached as Appendix A to the minutes).

RESOLVED:

That the minutes of the Planning (Telecommunications) Sub-Committee held on 27 October 2006, be received.

5. **PLANNING IMPROVEMENT PLAN - UPDATE**

(Report PDC656 refers)

The Committee agreed that consideration be given to formalising, within the Council's Planning Protocol, that where more than one Ward Member wished to address the Committee, they may speak for five minutes each. Also, in the case of some larger applications and in exceptional circumstances, the Chairman should be able to exercise discretion, so that applicants and objectors may be allowed to speak for more than the usual three minutes, either collectively or individually.

Further to questions, the Director of Development reported on improvements to application procedures to ensure that neighbour consultation took place.

RESOLVED:

That the report be noted.

6. **TREE PRESERVATION ORDER 1889 – SHEILDAIG, WARNFORD ROAD, CORHAMPTON**

(Report PDC655 refers)

The City Secretary and Solicitor reported that since publication of the Report, officers had failed to give sufficient notice to an objector to the application, to inform them that they were able to attend the Committee and respond to the recommendations in the Report.

As the existing Order was to expire before the next meeting of the Committee, the matter could not be deferred to allow this to take place. Therefore, should Members be minded to confirm the Order, its confirmation should be delegated to the Director of Development to allow the objector to submit any further representations which would have been made orally at the meeting, had the objector been notified earlier of the Committee meeting.

Following discussion, the Committee supported the principle of confirming the Order, and the suggestion of the City Secretary and Solicitor regarding delegation of the confirmation of the Order.

RESOLVED:

That the Director of Development be authorised to confirm TPO 1889 subject to any further representations received by him from the objector.

7. **MORN HILL, WINCHESTER - HOTEL DEVELOPMENT (LESS EXEMPT APPENDIX 2)**

(Report PDC629 refers)

Mrs Matthews (representing Itchen Valley Parish Council) addressed the Committee. In summary, she stated that she did not support a further extension in time for development to commence, and suggested that the site be reinstated as countryside.

She reminded Members that the site was within the proposed South Downs National Park and that local residents had endured many years of uncertainty regarding the proposed development.

The City Secretary and Solicitor reminded Members that, since completion of ground works at the site earlier in 2006, the issue of enforcement of the Section 106 agreement had been deferred. This was to allow time for further legal advice, to ascertain whether such works constituted a substantial start on this element of the development, and whether the developer had been in breach of the original Section 106 agreement. The City Secretary and Solicitor reported that in any event, he was minded to recommend that a completion notice of 18 months be now served. The Committee referred to the detailed legal advice as set out in the exempt Appendix 2 to the Report.

Following consideration of the exempt information, the Committee agreed that at this stage, enforcement action should not be taken regarding a breach in the Section 106 agreement, but that this issue be reviewed in May 2007. A completion notice should now be served, specifying a period of 18 months.

RESOLVED:

That the City Secretary and Solicitor be authorised to serve a completion notice, in respect of the outstanding hotel development at Morn Hill, Alresford Road, Winchester under planning permission WO1706/07, specifying a period of 18 months in the notice.

8. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. 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>
##	Exempt Minutes of the meeting of the Committee held on 24 August 2006:	Information relating to financial or business affairs of any particular person (including the authority holding that information) (Para 3 Schedule 12A refers)
	<ul style="list-style-type: none"> • Transaction of Land at High Street, Winchester • Temporary use of land for motocross event – site at Alresford Road, Winchester 	
		Information in respect of which a claim to legal professional privilege could be maintained in

	)	legal proceedings (Para 5
	)	Schedule 12A refers).
)	
Morn Hill, Winchester –	)	Information which reveals that
Hotel Development	)	the authority proposes:
(Exempt Appendix 2)	)	a) to give under any
	)	enactment a notice
	)	under or by virtue of
	)	which requirements are
	)	imposed on a person; or
	)	b) to make an order or
	)	direction under any
	)	enactment. (Para 6
	)	Schedule 12A refers)

9. **EXEMPT MINUTES**

RESOLVED:

That the exempt minutes of the previous meeting held on 24 August 2006, be approved and adopted.

10. **MORN HILL, WINCHESTER – HOTEL DEVELOPMENT (EXEMPT APPENDIX 2)**
(Report PDC652 refers)

The Committee referred to the information contained in Exempt Appendix 2 (detail in exempt minute)

The meeting commenced at 9.30am, adjourned for lunch at 1.15pm, recommenced at 2.00pm and concluded at 7.35pm.

Chairman