

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**19 June 2007**Attendance:

Councillors:

Jeffs (Chairman) (P)

Baxter

Busher (P) (for Minute 1 only)

Evans (P) (for Minute 1 only)

Huxstep (P)

Lipscomb (P)

Johnston (P)

Pearce (P)

Ruffell (P)

Saunders (P)

Sutton (P)

Deputy Members

Councillor Read (Standing Deputy for Councillor Baxter)

Others in attendance who addressed the meeting:

Councillor Wagner (for Minute 1 only)

Officers in Attendance:

Mr B Lynds (Principal Legal Officer)

(For Minute 1 only)

Ms J Lee (Planning Officer)

Mr J Hearn (Planning Team Manager, East)

Mr N Culhane (Highways Engineer)

(For Minute 2 only)

Mr S Finch (Planning Team Manager, West)

Mr N Macintosh (Principal Planning Officer)

1. **APOLOGIES**

Apologies were received from Councillor Baxter.

In respect of Minute 2 (Riverside Cottages, Twyford) Councillors Evans and Busher did not attend the Sub-Committee on the advice of the Head of Legal Services, as they were not present when the Sub Committee viewed the site on 20 March 2007.

2. **GREENACRES, 61 ANDOVER ROAD, WINCHESTER – CASE NUMBER 06/03311/FUL**

(Report PDC687 refers)

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

At its meeting on 24 May 2007, the Planning Development Control Committee had agreed to refer determination of the application to the Viewing Sub-Committee, so that Members could consider in greater detail the sloping levels of the site, together with its character and relationship to neighbouring properties.

Immediately prior to the public meeting, the Sub-Committee had visited the application site and, with the permission of the owners of 63 Andover Road (the adjoining property to the north) and 22 Bereweke Way (an adjoining property at the rear, western end, of the site), viewed the site from those two properties. For the benefit of the Sub-Committee, the applicant had erected a scaffold which outlined the position and height of the proposed gable end nearest to 63 Andover Road. The proposed locations of the buildings had been marked on the ground.

Ms Lee introduced the application to the Sub-Committee. She explained that the site covered approximately 0.5 hectares on the western side of Andover Road and currently contained the disused Greenacres Special School. The character of the area when viewed from the road was that of a green and well landscaped area, with detached houses set in generous plots, well back from the road and screened by boundary vegetation.

The application proposed to demolish the existing school building and redevelop the site for residential purposes. It proposed a single two-storey block at the front of the site to contain 12 flats and a row of seven terraced, two-storey dwellings towards the rear of the site. This equated to a density of 38 dwellings per hectare. Car parking was to be contained within the site at the side and rear of the proposed buildings, which left the frontage onto Andover Road undeveloped and landscaped.

The proposed development would be 18 metres at its closest with 63 Andover Road, when measured to the conservatory on that property. The distance between the proposed terraced houses at the rear of the site and the existing properties in Bereweke Way varied between 34 and 39 metres.

It was proposed that both buildings would use traditional, good quality materials. The buildings would be constructed of brick with plain clay tile roofs, stone sills, timber sliding sash windows and timber casements.

During the public participation element of the meeting, Mr Cox (a resident of 22 Bereweke Way) spoke in objection to the application. In summary, he stated that local residents had previously welcomed other nearby developments (such as the Lanterns School) and that they agreed that the site should be re-developed. However, he requested that this particular application be refused, to allow more time for the applicant to develop a scheme which was more sympathetic to the character of the area, which he suggested required detached housing and buildings of less mass.

Mr Parker (HCC Estates) and Mr Beck (the applicant's agent) spoke in support of the scheme. In summary, they explained that the prior application negotiations with officers had resulted in a reduced number of proposed dwellings (the application had also lost a proposed landmark building onto Andover Road and had been reduced from three to two-storeys). They also commented that the significant trees on the site would be preserved and that, by maintaining the gaps between proposed and existing dwellings, the application was consistent with the character of the surrounding area. The application had taken into account the topography of the ground and its effect on neighbouring properties, but had still made the best use of the site by offering 19 new dwellings.

During debate, some Members questioned whether the proposal was in keeping with the character of the area. Ms Lee explained the apartment block fronting onto Andover Road was set back from the road by 18 metres and would be located behind the existing vegetation on the street frontage. The building was designed so as to appear as a single, large domestic dwelling to the passer by. This reflected other properties in the area, such as some of the large Victorian villas which had been converted to flats and other new developments in Bereweke Road. The terraced houses to the rear would only be glimpsed from the public realm.

In noting the concerns of neighbours, a Member questioned if the proposed height of the buildings could be lowered without reducing the amount of accommodation space available. In reply, Mr Hearn explained that the proposed roof height and pitches, which had been demonstrated by the applicant by the erection of a temporary scaffold structure, was not unusual for the area and was not excessively tall. He added that the level of the roof's pitch was necessary to accommodate the proposed clay tiles and that a lower roof pitch would be detrimental to the aesthetic success of the scheme.

Another Member questioned whether the proposed dwellings could be slightly dug in to the land to reduce its effect on neighbouring properties. In noting Members' concerns, Mr Hearn explained that proposed Condition 8 included details of floor slab levels and that there would be some excavation of the site, which required the removal of earth and hardstanding.

In discussing the possible effect of the proposed terraces at the rear of the site, Mr Hearn explained that proposed Conditions 5 and 6 would require that the boundary between these properties' rear gardens and the rear gardens of Bereweke Way be reinforced with indigenous landscaping.

Members were concerned that the application proposed an inadequate number of car parking spaces on site for the new residents. Mr Culhane explained that, whilst the proposed provision was four spaces short of the County Council's full standards, this was not a sufficient reason in itself to justify a refusal. He added that, in practice, this was likely to be a matter which the management company would resolve, as the access road would not be adopted by the Highways Authority.

In response to a question, Ms Lee explained that Southern Water had not raised an objection to the application, but had recommended that a holding tank for surface water be created on site. She clarified that this detail was dealt with in recommended Condition 9.

Ms Lee also confirmed that the Arboricultural Officer had revisited the site and reconfirmed that the information in the tree survey was correct.

The Sub-Committee noted that the small, on-site proposed local area of play (LAP) provided play equipment for toddlers in a fenced area.

At the conclusion of the meeting, the Sub-Committee agreed that the proposed dwellings, with the surrounding landscaped spaces, would fit in well with the existing mix of buildings in the area and agreed to grant planning permission, subject to the conditions set out below.

RESOLVED:

That planning permission be granted, subject to:

That provided the applicant enters into a Section 106 agreement with Hampshire County Council to secure a financial contribution of £57,000 towards the Local Transport Strategy and

Provided that the applicant enters into a Section 106 agreement with Winchester City Council to secure the following;

1. A contribution of £32,200 towards public open space,
2. The provision of affordable housing in accordance with the approved schedule,
3. open space provision including the LAP and the future management and maintenance of them and other landscaped areas,

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

Conditions

1 The development hereby permitted shall be begun before the expiration of three 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 (as amended).

2 Prior to any commencement of works on site the applicant shall submit details of the foul water drainage and have them approved in writing. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the foul water resulting from the development is dealt with in a satisfactory manner.

3 The materials for the development shall be in accordance with the samples and schedule dated 23 February 2007 the bricks shall be 'stock brick' and the roofs shall be clay plain tiles. The windows shall be timber vertical sliding sash and timber casements as identified on the approved plans. Any deviation from these details must be submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with these details.

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

4 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, specifically the woodland area to the front of the site, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the details hereby approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

5 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.

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

6 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 development is occupied. Development shall be carried out in accordance with the approved details.

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

7 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.

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

8 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.

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

9 Details of the design of building foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site are commenced.

Reason: To ensure the protection of trees and hedgerows to be retained and in particular to avoid unnecessary damage to their root system.

10 The parking areas hereby approved shall not be used for any other purpose than the parking of cars.

Reason: To ensure the provision and retention of the parking spaces in the interests of local amenity and highway safety.

11 The existing trees shown as being retained on the approved plan shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. All tree works including protective fencing and special precautionary areas shall be carried out in strict accordance with the details set out within CBA Trees, Arboricultural Method Statement dated June 2006 Ref 6392 and in accordance with BS5837 2005. Prior to site set up the City Council Arboricultural Officer shall be contacted in accordance with requirements in section 8 of the CBA report.

Reason: To retain and protect the trees which form an important part of the amenity of the area.

12 No development or site preparation prior to operations which has any effect on disturbing or altering the level of composition of the land, shall take place within the site until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological interest of the site is properly safeguarded and recorded.

13 Prior to any work commencing on site the applicant must submit and have approved in writing a construction traffic management plan. Development shall be undertaken in accordance with the approved details.

Reason: To ensure that satisfactory provision is made for the access and parking of construction vehicles within the site in the interests of highways safety.

14 Development shall not commence until the highways works as shown indicatively on drawing C34591 - 00 - D - 001 Ver2 have been constructed to the satisfaction of the local highway authority.

Reason: In the interests of highways safety.

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 material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, 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: UB3, T5, T12, H7, H8, R2, E12, E16.

Winchester District Local Plan Review: DP1, DP3, DP4, DP5, DP6, CE10, HE1, H3, H5, H7, RT4, T1, T2, T3, T4, T5, W1.

3. **2 RIVERSIDE COTTAGES, FINCHES LANE, TWYFORD - (RE-SUBMISSION) ERECTION OF 1 NO DWELLING – CASE NUMBER 06/03106/FUL**
(Report PDC695 refers)

The Sub-Committee convened at The Parish Hall, Twyford and the Chairman welcomed approximately 23 members of the public to the meeting.

At its meeting held on 1 February 2007, the Planning Development Control Committee agreed to refer determination of the application to the Viewing Sub-Committee, so that Members could have the opportunity of inspecting the site and, in particular, assess the visual impact the proposal would have from Finches Lane, Norris's Bridge and private gardens situated on the other side of the River Itchen. Viewing of the site had taken place on 20 March 2007, but the public meeting of the Sub Committee at which the application would be determined had been delayed until 19 June 2007 due to a number of emerging considerations which required assessment before the application could be placed before Members.

Since the site visit, amended plans had been submitted. Mr Mackintosh explained the detail of the revised proposals, including changes to the siting of the house, its elevations and orientation; it was noted that the overall height of the dwelling had been reduced. He reminded the Sub-Committee that the site was situated in the Conservation Area, and that the River Itchen was a Site of Special Scientific Interest (SSSI) and a designated Special Area of Conservation (SAC). Mr Mackintosh also explained that the adjacent Riverside Cottages were listed and were now nearing completion of extensive renovation and conversion to one dwelling.

Mr Mackintosh reported that, since publication of the Report, an additional letter of representation had been received from the owner of Appletree House (a property located on the other side of the river to the application site). This detailed a request for additional conditions (should the Sub-Committee be minded to approve the application) including that the higher level windows be glazed with obscure glass, and that there be no balcony, additional windows or any future changes in levels without his prior consent. The resident had also stated that he would seek a judicial review of a decision to approve the application unless these conditions were added to any consent.

In summarising the officers' recommendation to approve the amended application, Mr Mackintosh stated that the proposals would not have an adverse impact on the character and appearance of the local area.

During the public participation part of the meeting, Mr Walker (a resident) spoke against the application. In summary, he stated that the proposals were inappropriate in their location. Consent would set a dangerous precedent, as he considered the site to be unique, as it was within the curtilage of a listed building and adjacent to a SSSI. He stated that the proposals were too dominant, with excessive bulk and massing, and that the design and materials did not compliment the surroundings. Mr Walker reported that local residents' suggestions for a more appropriate scheme had been ignored by the applicant, and that both residents and local representatives were

generally against the proposal. Finally, he recommended that a smaller and less contemporary design would be more acceptable in this location.

Mr Ellis (a resident) also spoke against the application. In summary, he stated that the proposals were flawed and contrary to PPG15 and policies of the Local Plan. For example, the proposals were within the curtilage of a listed building and near to a SSSI and therefore could not be reconciled with PPG advice. The design and scale of the application were imposing and had no regard to the context of the distinctiveness of the local area. It did not preserve or enhance the local environment or the Conservation Area. Mr Ellis reported that the applicant had submitted a design statement that had ignored the Conservation Area and adjacent listed building. The 'tower' elements of the design were excessive through their height and massing.

Councillor Wagner (a Ward Member) also spoke in opposition to the application. In summary, although it was generally recognised that the site was to be developed, the design and mass of this application was unacceptable and would not enhance the Conservation Area. He reminded the meeting that the adjacent Riverside Cottages (now converted to one dwelling) had previously been a row of separate homes. A newly submitted scheme for the site should be inspired by this and therefore could be of more than one unit.

Mr Thomas (architect, and speaking in support of the application) suggested that the application's design contained traditional elements and inspiration of riverside buildings, such as boat houses. The revised design also acted to 'break up' the mass of the building, so that it appeared as more than one structure, with less bulk as a result. The height of the roof and pitch had also been reduced following previous concerns of residents.

Mr Jezeph (applicant's agent, and also in support of the application) reported that the scheme was situated within the settlement boundary and could not be seen from the public highway. The adjacent Riverside Cottage listing had been a marginal decision, and the Council's Conservation Officer had not raised any objections in relation to its proximity to the application site, nor of the proposal's design in this context. Mr Jezeph also reported that there had been no ecological or flooding issues raised with regard to the application. Finally, he advised that much work had been carried out to date to satisfy objections. This had resulted in revised plans that presented a modest building, of appropriate design, that had met with the approval of the Council officers.

In answering questions, Mr Mackintosh referred to comments made with regard to the impact of the application on the Conservation Area. He reported that the Head of Planning Control had considered it as cleverly designed, by presenting an illusion of four separate structures, with deep eaves, unified by a variety of materials used in construction. By way of this design, its massing and bulk appeared much reduced, with only parts being seen from beyond its curtilage. There was no overriding character within the area. Mr Mackintosh also referred to the possibility of more than one dwelling being developed and stated that this was unlikely to be acceptable, as access to the site was restricted, even with the improvements that had been carried out.

Mr Finch acknowledged that the Committee was required to consider the impact of the development upon the setting of the listed cottages, together with the character and appearance of the Conservation Area. He advised that this did not necessarily mean that one particular design approach had to be adopted and officers could not seek to impose a particular style upon the applicant. He acknowledged that the scheme's design was contemporary, but was also inclusive of traditional elements. In

his opinion, he was satisfied that the scheme would not be detrimental in its conservation setting, nor to the detriment of the adjacent listed building.

During discussion, Mr Mackintosh clarified that the nearest point of the development to Riverside Cottages was about 4.6 metres. It would be approximately 2.4 metres higher (at its highest point) than the cottage's ridge. The highest 'tower' was 8.1 metres high and the distance to the cottage's ridge from this was approximately 23 metres. Mr Mackintosh also confirmed that the Environment Agency was satisfied that the revised scheme did not require the erection of a bund along the river to prevent flooding. However, a bund may be required to protect the adjacent listed building and that this may be subject to a separate planning application. He confirmed that the revised scheme included less glazing facing the river and so there would not be excessive light omitted from the dwelling at night. In referring to the request of the resident of Appletree House that higher level windows be glazed in obscure glass, this could be considered by way of an additional condition (should the Sub Committee be minded), but it would not be possible to prevent the applicant from applying for additional windows or changes to the glazing in future. This was agreed.

During debate, the Sub-Committee acknowledged that the applicant had sought to address many of the concerns previously expressed by residents, by substantially revising the proposed plans. The majority of the Sub Committee was also appreciative of the design of the scheme, but were there was some concern as to its appropriateness to this site. In summary, the Sub-Committee remained concerned at the siting, size and massing of the application in relation to the size of its plot and the adjacent Riverside Cottages.

Therefore, at the conclusion of debate, the majority of the Sub-Committee did not support the officer's recommendation to approve the application, as it considered that the proposal represented overdevelopment of the site. The building's siting, scale and massing would have a detrimental impact on the setting of the adjacent listed building and the character and appearance of the Conservation Area. It was also agreed that the proposal had insufficient amenity space and was therefore contrary to policy DP3 (viii). The Sub Committee delegated authority to the Head of Planning, in consultation with the Chairman, to agree the exact wording of reasons for refusal to reflect those agreed as set out above.

RESOLVED:

That the application be refused and authority be delegated to the Head of Planning (in consultation with the Chairman) to set out reasons based on the following:

- The application represented overdevelopment of the site and the building's siting, scale and massing would have a detrimental impact on the setting of the adjacent listed building and the character and appearance of the conservation area.
- The proposal had insufficient amenity space and was therefore contrary to policy DP3 (viii).

The meeting commenced at 11am, adjourned at 12pm, recommenced at 2.30pm and concluded 3.50pm.

Chairman