

PLANNING DEVELOPMENT CONTROL COMMITTEE

23 October 2008

Attendance:

Councillors:

Jeffs (Chairman) (P)

Barratt (P)
Baxter (P)
Busher (P)
Fall (P)
Huxstep (P)

Johnston (P)
Lipscomb (P)
Pearce (P)
Ruffell (P)
Tait (P)

Others in attendance who addressed the meeting:

Councillors Higgins, Jackson and Pines

1. **MINUTES**

The Committee noted that Councillor Lipscomb was not the Council's appointee on the City of Winchester Trust, as stated in Minute 2 of the meeting of the Committee held on 1 October 2008 and therefore the relevant wording should be deleted.

RESOLVED:

That, subject to the above amendment, the minutes of the previous meeting of the Committee held on 1 October 2008 be approved and adopted.

2. **DEVELOPMENT CONTROL SCHEDULE**
[\(Report PDC770 refers\)](#)

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 Lipscomb declared a personal (but not prejudicial) interest in respect of Items 1, 3 and 5 as he was a member of the Council of the City of Winchester Trust, which had commented on these applications. However, he had taken no part in the Trust's consideration of these items and he spoke and voted thereon.

In respect of Item 4, Councillor Lipscomb declared a personal (but not prejudicial interest) interest as his house was quite close to the application site geographically, but not by road. He had no visibility of the site from his house

and he considered that he had no reason to think that his house's value would be affected by any decision on this application. He therefore spoke and voted thereon.

Councillor Lipscomb also declared a personal and prejudicial interest in respect of Item 5, as his wife was a former employee of the applicant and he believed she drew a pension from the applicant. He therefore left the room and took no part in the debate in this item.

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

Item 1: Land adjacent to St Johns Croft, Blue Ball Hill, Winchester - Case Number 08/01657/FUL

Mr Battye and Councillors Pines and Higgins (as Ward Members) spoke against the application and Mr Frankum (on behalf of the applicant) spoke in support.

In summary, Councillor Pines stated that, although there was an acceptance in the local community that the site was suitable for development, this particular application did not respond positively to the character and appearance of the surrounding area. Its positioning and mass were likely to dominate existing properties in St Martins Close and the scheme included insufficient on-site car parking. He added that the proposed vehicular access to the site would be a hazard to pedestrians on one of the main walking routes to Winnall and a hazard to drivers, given the sharp angle of the entrance.

He commented that the tree belt, which it was hoped would shield the site from Alresford Road, was not in the ownership of the applicant and would be of little use as a visual barrier in the winter. He also lamented the lost opportunity that the scheme had failed to include a pedestrian link through to the adjacent children's play-area. For these reasons, Councillor Pines recommended that the application be determined by the Planning Development Control (Viewing) Sub-Committee, following a site visit.

Councillor Higgins also spoke against the application. In addition to echoing the comments made by Councillor Pines above, he raised concerns regarding drainage from the site, the concerns of the Architects' Panel, its effect on the listed St Johns Croft building, Joyce Gardens, Blue Ball Hill, long distance views and wildlife; overlooking; loss of trees and hedgerows; and additional traffic.

Following debate, the Committee agreed that the application should be determined by a meeting of the Planning Development Control (Viewing) Sub-Committee, to assess in more detail: its effect on St Martins Close, the surrounding Conservation Area and long distance views; the levels of the site; whether the application would be overbearing; the status of the trees to be removed and highways issues. Members also requested that the footprints of the building be pegged out and, where possible, their heights be

demonstrated. It was agreed that the meeting be held at 11.00am on Friday 14 November 2008 in the Guildhall, Winchester to be preceded by a visit to the site by Members.

Item 2: Folemoor, Little Bull Lane, Waltham Chase - Case Number 08/02073/FUL

Mrs Doud spoke against the application and Mr Foster (one of the applicants) spoke in support.

The Head of Planning Control stated that, subsequent to the publication of the Report, a comment had been received from Shedfield Parish Council. In summary, this raised concerns regarding drainage, highways, the environment and that it would create a precedent for a new building line behind existing properties. The Parish Council also requested that the proposed garage should be moved at least 1 metre from the boundary. The Committee also noted that a further three representations had been received after the publication of the Report, but that these raised no new issues to those covered in the Report.

During debate, the Committee agreed to add a Condition regarding foul and surface water drainage, and to revise Condition 6 to control the surface materials used on the parking and turning areas of the application, with the detailed wording being delegated to the Head of Planning Control. In noting that there was a word missing from Condition 7 in the Report, the Committee also agreed to delegate authority to the Head of Planning Control to correct that Condition as necessary.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the Conditions as amended above) as set out in the Report.

Item 3: 14 Clifton Road, Winchester – Case Number: 08/01936/FUL

Mr Cole (a neighbour) spoke against the application.

The Head of Planning Control updated the Committee, that subsequent to the publication of the Report, a new planning application had been received from a different applicant for the site and that this was pending consideration.

He also explained that additional correspondence had been received from an objector. This raised concerns regarding the level of light which would come into the new building, included drawings to show the fence across the southern elevation of the proposed dwelling that would cover the ground floor window, clarified the rights of access and showed that none of the new residents had a right to park at the site. Further correspondence had also been received regarding the ongoing judicial review process, which related to the Committee's previous determination of the application on 25 October 2007.

The Head of Planning Control also highlighted a correction required to two of the Conditions, which restricted the permitted development rights to the dwelling and this was agreed by the Committee.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons and subject to the Conditions as set out in the Report and as amended above.

Item 4: Land adjacent to The Down House, Harestock Road, Winchester – Case Number 08/01769/FUL

Ms Winn (a local resident) spoke against the application and Councillor Jackson (a Ward Member) and Mr Hanna (on behalf of the applicant) spoke in support.

In summary, Councillor Jackson explained that the application would alleviate car parking on residential roads surrounding the Sunrise Senior Living development in Stockbridge Road. Although the proposed parking area was in the Local Gap, she considered the application site to be of poor quality and an outlying part of the Gap. She also considered the proposed parking area to be well-screened from Harestock Road and that access to the site would be controlled and limited to construction working hours only. Any disruption to neighbouring properties would be minimal, given that the applicant proposed no on-site lighting and that the car park's construction would be quick and largely dust-free. She also commented on the review of Local Gaps being undertaken by the Local Development Framework process and that the application was only for a temporary period.

Following debate, Members agreed to refuse the application for the reasons set out in the Report.

Item 5: The Winchester Moat House Hotel Ltd, Worthy Lane, Winchester – Case Number 08/01715/AVC

Mr Clarke spoke against the application and Mr Eaves (on behalf of the applicant) spoke in support.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the Conditions) 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 (Land adjacent to St Johns Croft, Blue Ball Hill, Winchester), the application be determined by a

meeting of the Planning Development Control (Viewing) Sub-Committee to be held 11.00am 14 November 2008.

3. That, in respect of Item 2 (Folemoor, Little Bull Lane, Waltham Chase), planning permission be granted for the reasons given and subject to the Conditions set out in the Report, with an amendment to add a Condition regarding drainage and to Condition 6 to control the surface materials used on the parking and turning area of the application and a correction to Condition 7 (detailed wording in all cases delegated to the Head of Planning Control).

4. That, in respect of Item 3 (14 Clifton Road, Winchester), planning permission be granted for the reasons given and subject to changes to two of the Conditions, which restricted the permitted development rights to the dwelling (detailed wording delegated to the Head of Planning Control)

3. **CONFIRMATION OF TREE PRESERVATION ORDERS 1916**
[\(Report PDC769 refers\)](#)

RESOLVED:

That, having taken into consideration the representations received, Tree Preservation Order 1916 be confirmed, subject to modifications.

4. **THE CURRENT POSITION REGARDING THE DEVELOPMENT OF 3 HOUSES AT SMITHY COTTAGE, BULL LANE, WALTHAM CHASE**
[\(Report PDC771 refers\)](#)

This report was included on the agenda at the request of Councillor Lipscomb under Council Procedure Rule 36.

Mrs Daub spoke against the action taken by the applicant and Mr Harman (on behalf of the applicant) spoke in support.

The Head of Planning Control updated the Committee that, subsequent to the publication of the Report, correspondence had been received from the applicant which disputed whether there had been a breach of planning control and detailed the nature of the accommodation provided in the three houses. Correspondence had also been received from local residents which raised concerns about the lack of control over the development by the Council, the developer's intention to build at variance to the planning permission and the message the Council's apparent inaction sent to the wider community.

During debate, Members considered the Council's enforcement powers, permitted development rights and when a building was considered "substantially completed." The Committee also considered the possibility that the broader issues raised by this particular case should be reviewed by Environment Scrutiny Panel.

At the conclusion of debate, Members noted that the Council's decision whether to take enforcement action against the developer was on-going and largely dependent on the developer's next action. The developer could do nothing, change the building back in accordance to the granted planning permission or submit a new application to seek to regularise the changes. Following on from this, the Head of Planning Control would use delegated powers to take enforcement action if it was deemed expedient to do so.

RESOLVED:

That the current position regarding the housing development at Smithy Cottage, Bull Lane, Waltham Chase be noted.

The meeting commenced at 9.30am, adjourned for lunch between 12.45pm and 1.30pm and concluded at 3.50pm.

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE : DEVELOPMENT CONTROL MEETING

RESOLUTIONS

23.10.2008

PART II DEVELOPMENT CONTROL APPLICATIONS
AND DECISIONS THEREON

Winchester Town

Ward

St John And All Saints

1 Conservation

Area:

Case No: 08/01657/FUL

Ref No: W14299/07

Date Valid: 8 July 2008

Grid Ref: 448819 129556

Team: EAST

Case Officer: Mr Dave Dimon

Applicant: Sarum Developments Ltd

Proposal: 14 no. dwellings comprising of 1 no. five bedroom house, 3 no. four bedroom houses, 3 no. three bedroom houses, 2 no. two bedroom houses, 4 no. two bedroom flats, 1 no. one bedroom flat with parking, landscape and improvements to access.

Location: Land Adjacent To St John's Croft Blue Ball Hill Winchester Hampshire

Officer PER

Recommendation:

Committee Decision:

DEFERED for consideration by the Planning (Viewing) Sub Committee.

Shedfield **Ward** **Shedfield**

2 Conservation Area:

Case No: 08/02073/FUL
Ref No: W05379/05
Date Valid: 29 August 2008
Grid Ref: 455966 114922
Team: WEST **Case Officer:** Miss Megan Birkett
Applicant: Mr And Mrs M J Foster
Proposal: Erection of detached four bed dwelling in existing garden of Folemoor with new access from Little Bull Lane (RESUBMISSION)
Location: Folemoor Little Bull Lane Waltham Chase Southampton Hampshire SO32 2LT
Officer PER
Recommendation:

Committee Decision:

APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-

Conditions/Reasons

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 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3 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 property is occupied. Development shall be carried out in accordance with the approved details.

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

4 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 ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5 No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

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

6 The proposed access, drive and parking area for the proposed dwelling, shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE: A licence is required from Hampshire Highways Winchester, Central Depot, Bar End Road, Winchester, SO23 9NP prior to the commencement of access works. The surfacing material shall be permeable in nature.

Reason: To ensure satisfactory means of access and in the interest of minimising surface run-off.

7 The existing access to the site shall be stopped up and abandoned and the boundary shall be reinstated in accordance with details to be submitted to and approved by the Local Planning Authority, immediately after the completion of the new access hereby approved and before the new access is first brought into use.

Reason: In the interests of highway safety and the amenities of the area.

8 No development, 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. The development shall not be completed other than in accordance with the approved details.

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

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the first floor of the southern elevation(s) of dwelling hereby permitted.

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

10 The first floor window(s) in the southern elevation of dwelling hereby permitted shall be glazed in obscure glass and thereafter retained.

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

11 Protective measures, including fencing, ground protection, working procedures and special engineering solutions shall be carried out in accordance with the Arboricultural Impact Appraisal and Method Statement written by Mr Kevin Cloud and submitted to the Local Planning Authority.

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

12 The existing trees show as being retained on the approved plan shall not be lopped, topped, felled or uprooted during the course of constructing the development without prior written approval of the Local Planning Authority.

Reason: To ensure a bat use assessment of the trees is carried out by an ecologist, and any necessary resulting limitations or measures to be put in place.

13 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

14 Prior to the completion of development a cut off drain shall be provided to prevent the egress of surface water onto the public highway the details of which shall first be submitted to and approved by the Local Planning Authority. Thereafter the approved drain shall be retained and maintained in good working order.

Reason: In the interests of highway safety.

15 Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before the dwelling hereby permitted is first occupied.

Reason: To ensure satisfactory provision of foul and surface water drainage.

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: H1, T5

Winchester District Local Plan Review 2006: DP3, DP4, DP5, H1, H3, H5, H7, T2

Winchester Town

Ward

St Paul

3

Conservation Area:

Case No: 08/01936/FUL

Ref No: W12121/06

Date Valid: 18 August 2008

Grid Ref: 447464 129723

Team: EAST **Case Officer:** Mrs Julie Pinnock

Applicant: Mr Kit Finney

Proposal: Demolition of existing structure to replace with detached two storey, two bedroom house (RESUBMISSION of 07/02031/FUL)

Location: 14 Clifton Road Winchester Hampshire SO22 5BP

Officer: PER

Recommendation:

Committee Decision:

APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-

Conditions/Reasons

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 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that order, with or without modification), no windows other than those expressly authorised by this permission shall, at any time, be constructed in the dwelling hereby permitted.

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A and B of Parts 1 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the locality and to maintain a good quality environment.

5 All rainwater goods shall be of cast iron unless otherwise agreed in writing by the local planning authority.

Reason: To protect the character and appearance of the conservation area.

6 Full details of all new windows and doors shall be submitted to and approved in writing by the local planning authority prior to the commencement of work. The windows and doors shall be installed in accordance with the approved details.

Reason: To protect the character and appearance of the conservation area.

7 The bin and bike store shown on plan reference 682/PO2 Rev D shall be implemented according to the plan hereby approved and thereafter retained and not used for any other purpose without the prior written consent of the local planning authority.

Reason: To ensure satisfactory provision of refuse and cycle storage facilities for the dwelling are provided within the site.

8 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

9 Details of provisions to be made for the parking and turning of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

Reason: In the interests of highway 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: H1, H2, H4, E16, E17.

Winchester District Local Plan Review 2006: DP3, HE4, HE5, H1, H3, RT3, T1, T4.

3. A formal application for connection to the water supply is required in order to service the development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858600), or www.southernwater.co.uk

4. A formal application for connection to the public sewerage system is required in order to service the development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel: 01962 858600), or www.southernwater.co.uk

Littleton And Harestock

Ward

Littleton And Harestock

4 Conservation

Area:

Case No: 08/01769/FUL

Ref No: W03530/04

Date Valid: 21 July 2008

Grid Ref: 446146 131433

Team: EAST **Case Officer:** Mr Tom Patchell

Applicant: GB Building Solutions

Proposal: Change of use of land to form a temporary car park with new access

Location: Land Adjacent The Down House Harestock Road
Winchester Hampshire

Officer REF

Recommendation:

Committee Decision:

REFUSED SUBJECT TO THE FOLLOWING REFUSAL CONDITION(S):-

Conditions/Reasons

1 The proposed use of the land for providing a car park would visually diminish and therefore undermine the function of the Local Gap between Winchester and Littleton and is therefore contrary to Policy CE.2 of the adopted Winchester District Local Plan Review.

2 The proposed car park represents an undesirable development in the countryside and local gap for which there is no overriding justification and which would be an incongruous feature that would seriously detract from the character and visual amenity of the area.

Informatives

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

Hampshire County Structure Plan Review: No saved policies of relevance
Winchester District Local Plan Review 2006: DP.3, CE.2, T.1 and T.2

Winchester Town

Ward

St Bartholomew

5 Conservation

Area:

Case No: 08/01715/AVC

Ref No: W01367/34A

Date Valid: 6 August 2008

Grid Ref: 447955 130288

Team: WEST

Case Officer: Mrs Jane Rarok

Applicant: Mr Paul Eaves

Proposal: 1 no. advertising banner at entrance and 1 at exit of The Winchester Hotel

Location: The Winchester Moat House Hotel Ltd Worthy Lane
Winchester Hampshire SO23 7AB

Officer PER

Recommendation

:

Committee Decision:

APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-

Conditions/Reasons

1 Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992.

2 Any structure or hoarding erected or used principally for the purpose of display of advertisements shall be maintained in a safe condition.

Reason: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992.

3 Where an advertisement is required, under the Control of Advertisement Act 2007, to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: As required by the provisions of the Control of Advertisement Act 2007 .

4 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

5 No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992.

6 No character or symbol on the banner signs shall be more than 400mm in height, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public amenity.

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: None
Winchester District Local Plan Review 2006: HE11
