

PLANNING DEVELOPMENT CONTROL COMMITTEE

12 March 2009

Attendance:

Councillors:

Jeffs (Chairman) (P)

Barratt (P)

Baxter (P)

Busher (P)

Fall

Huxstep (P)

Johnston (P)

Lipscomb (P)

Pearce (P)

Ruffell (P)

Tait (P)

Deputy Members:

Councillor Thompson (Standing Deputy for Councillor Fall)

Others in attendance who addressed the meeting:

Councillors Beckett, Bell and Howells

Others in attendance who did not address the meeting:

Councillors Berry and Pearson

1. **MINUTES**

RESOLVED:

That the minutes (less exempt minute) of the previous meeting of the Committee, held on 17 February 2009, be approved and adopted.

2. **DEVELOPMENT CONTROL SCHEDULE**

[\(Report PDC793 refers\)](#)

Councillor Barratt declared a personal (but not prejudicial) interest in respect of Item 5, as she knew the objector, Mr M Hogg. She spoke and voted on this item.

Councillors Lipscomb declared a personal and prejudicial interest in respect of Item 1 as he was the owner of a property in close proximity to the application site, and he also declared a personal interest as he was a member of the Council of the City of Winchester Trust, which had commented on that application, but he had taken no part in the Trust's consideration of this item. He spoke on this item as a member of the public and then withdrew from the meeting.

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

Item 1: Warren Acres, 97 Harestock Road, Winchester – Case Number 08/02727/FUL

The Head of Planning Management explained that, subsequent to the publication of the Report, amended plans had been received of the elevations, which more clearly depicted the areas to be finished in brick and render (including a sedum green roof), and sections showing heights and levels, details of which are held on the application file. In addition two photomontage views of the proposals had been received and these were shown to the Committee.

The applicant had also paid the required Open Space contribution of £3213.00 and Highways Contribution of £5725.00.

The Winchester-Eastleigh Architects Panel had also commented on the scheme, noting that the development appeared to be quite tight on the site and supporting the use of the modernist style, but commenting that the details and materials needed to be rationalised and simplified.

Councillor Lipscomb spoke against the application as a member of the public sharing the public speaking time with Mr K Holden. Mr D Elsmore spoke against the application on behalf of Littleton and Harestock Parish Council. Mr Saltmarsh (on behalf of the applicant) spoke in support of the application.

During debate, the Committee considered that the application site was too cramped to support 2 dwellings and that a single dwelling would be preferable.

It was agreed, therefore, to refuse planning permission as the application resulted in an overcrowding of the plot, which was out of keeping with the surrounding area (policy DP3 (ii)) and that the built form would reduce the amount of amenity space (policy DP5).

Therefore, the Committee did not support the recommendation set out in the Report and instead agreed to refuse planning permission, with authority being delegated to the Head of Planning Management (in consultation with the Chairman) to agree the detailed wording of the reasons for refusal as decided by the Committee and summarised above.

Item 2: Drier Site, Four Dell Farm, Poles Lane, Otterbourne – Case Number 08/02112/FUL

Mr M Bell (Compton and Shawford Parish Council), Mr P Murray and Councillors Beckett and Bell (as Ward Members) spoke against the application. Mr J Venn, applicant, spoke in support.

The Head of Planning Management informed the Committee that in Condition 5, the word “drier” should be substituted for the word “site” in line 2. It was also clarified that the applicant had previously sought verbal consent to permit operations to take place outside of the hours of operation during the harvest

period. As it was difficult to respond in writing to such short notice requests, the City Council had not provided this consent, but had encouraged the applicant to apply to regularise the matter. The Committee was also informed by the Head of Environment of the steps that had been taken to monitor noise on the site, and comparisons to the proposed Noise Rating Level of NR55 for the operation of the drier were demonstrated to the Committee.

In summary, Councillor Bell spoke of the balance to be struck between the operational needs of Silkstead Farm and the amenity of neighbours. The drier had been located near to a residential property (Meadow Barn) and the Conditions applied to protect the amenity of residents had not changed in the last 10 years and were still relevant. She added that the Committee might give consideration to retaining the Conditions, but introducing between 7 and 10 exception days per year. She also added that vehicular routes to the drier site should be controlled by Condition.

In summary, Councillor Beckett stated that circumstances had not changed since the applicant accepted the original Conditions and there was no justification for them to be amended. The conditions protected residents from noise at unreasonable hours and should remain.

In response to points raised, the Head of Planning Management clarified that telephone consent for a variation of the conditions was not supported, as it would not be transparent to neighbours as to when this consent had been given and would be difficult to administer in practical terms. The applicant had not completed the acoustic fence between the drier and Meadow Barn due to time constraints. However, the setting of a Noise Rating Level of NR55 not to be exceeded could lead to the completion of the acoustic barrier (and works to the drier itself) to achieve the required noise levels. Recent readings had been taken to establish the background noise level when the drier was not in operation. The straw barrier that was on site was the result of a private civil case and not the requirement of a planning permission.

At the conclusion of debate, the Committee agreed to refuse planning permission, as it considered that varying the conditions as proposed could lead to a potential increase in noise disturbance to the detriment of the amenities of local residents.

Therefore, the Committee did not support the recommendation set out in the Report and instead agreed to refuse planning permission, with authority being delegated to the Head of Planning Management (in consultation with the Chairman) to agree the detailed wording of the reasons for refusal as decided by the Committee and as summarised above.

Item 3: Shawford Close, Bridge Lane, Shawford – Case Numbers
08/02578/REM

This item was withdrawn at the request of the applicant.

Item 4: 1 Victoria Cottages, London Road, Kings Worthy – Case Number 09/00126/FUL

Mr Swain, applicant, and Councillor Howells (as a Ward Member) spoke in support of the application.

The Head of Planning Management explained that, subsequent to the publication of the Report, no objection had been received from Kings Worthy Parish Council and further representation had been received regarding the right of way for construction traffic, which could be controlled by condition.

Councillor Howells reiterated the points made in the written representation as set out in the Report.

Following debate, the Committee agreed to refuse planning permission for the reasons set out in the Report.

Item 5: Street Record, Bath Place, Winchester – Case Number 08/02758/TPO

Mr Cryer, applicant, spoke in support and Mr Hogg spoke against the application.

The Head of Planning Management explained that, subsequent to the publication of the Report, correspondence had been received from two neighbours requesting the height of the Beech hedge be maintained to screen the Bath Place development from the pavement along Greenhill Road. It was proposed that the height of the hedge would be controlled by an additional Condition, to maintain the Beech hedge at an average height of no less than 5.5 metres (which corresponded with the height of previous pruning wounds).

Additional correspondence had also been received from an objector, who had queried the Council's assessment of the potential weakness of the trees arising through previous pruning, also that any height reduction was inappropriate from an amenity point of view. It was also queried whether the proposed works were in accordance with the landscape management plan for Bath Place.

The Head of Planning Management explained that the hedge would be kept at a height of 5.5 metres over a 4/5 year period. In response the issues raised in public speaking, the wording "which corresponds with the height of previous pruning wounds" could be removed from the Condition if required by the Committee. He also stated that the Beech trees were fully within the Council's ownership.

Following debate, the Committee agreed to approve the phased reduction over 3 years to an average height of no less than 5.5m, subject to the deletion of the wording: "which corresponds with the height of previous pruning wounds" for the reasons 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 Items 1 and 2 the applications be refused, with authority being delegated to the Head of Planning Management (in consultation with the Chairman) to agree the detailed wording of the reasons for refusal as decided by the Committee and summarised above.

3. **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>
##	Authority for Legal Action to be taken at land Peststead Lane, Soberton) Information relating to any individual (Para 1, Schedule 12A refers))) Information which is likely to reveal the identity of an individual (Para 2, Schedule 12A refers))) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers))) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (Para 7 Schedule 12A refers)

##	Land at Cedar Bungalow, Malthouse Lane, Alresford) Information relating to any individual (Para 1, Schedule 12A refers))) Information which is likely to reveal the identity of an individual (Para 2, Schedule 12A refers))) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers))) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)
##	St Paul's Hospital, Winchester) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)

4. **AUTHORITY FOR LEGAL ACTION TO BE TAKEN AT LAND AT PESTSTEAD LANE, SOBERTON**
(Report PDC794 refers)

The Committee discussed above the Exempt Report which set out options regarding a planning enforcement case at Peststead Lane, Soberton (detail in exempt appendix).

RESOLVED:

That the Head of Legal Services be authorised to seek an injunction requiring compliance with the requirements of the Enforcement Notice issued 6 March 2007 namely, cease the use of the land as a gypsy caravan site and remove all caravans, vehicles, sheds and other ancillary items, and break up and remove the access track.

5. **EXEMPT MINUTES**

RESOLVED:

That the exempt minutes of the previous meeting, held on 17 February 2009, be approved and adopted.

The meeting commenced at 9.30am, adjourned for lunch between 13.05 pm and 13.50 pm and concluded at 15.15 pm

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE : DEVELOPMENT CONTROL MEETING

RESOLUTIONS

12.03.2009

PART II DEVELOPMENT CONTROL APPLICATIONS
AND DECISIONS THEREON

Item **Littleton And Harestock** **Ward** **Littleton And Harestock**

1 **Conservation Area:**

Case No: 08/02727/FUL

Ref No: W01961/17

Date Valid: 5 December 2008

Grid Ref: 446235 131403

Team: EAST **Case Officer:** Mr Simon Avery

Applicant: Mr Andrew Smith

Proposal: Erection of 1 no. three bedroom and 1 no. one bedroom semi-detached dwellings on land to the rear of 97 Harestock Road with associated parking/landscaping using existing access to Lovett Walk (RESUBMISSION)

Location: Warren Acres 97 Harestock Road Winchester Hampshire SO22 6NY

Officer PER

Recommendation:

Committee Decision:

REFUSED SUBJECT TO THE FOLLOWING REASON(S):

1. The proposal represents overdevelopment in term of its scale, layout and lack of private amenity space. It does not respond positively to the character and appearance of the local environment and is contrary to DP3 ii and DP5 of Winchester District Local Plan Review.

(Exact wording delegated to HOPM in consultation with Chair of DPC)

Item **Compton And Shawford** **Ward** **Compton And Otterbourne**

2 **Conservation**

Area:

Case No: 08/02112/FUL

Ref No: W00350/10

Date Valid: 15 October 2008

Grid Ref: 445532 124945

Team: WEST **Case Officer:** Mr Neil Mackintosh

Applicant: Mr Jonathan Venn

Proposal: Variation of condition no. 3 of planning permission
WAG/126/01 and variation of condition no. 7 of W00350/05
that restrict the operating hours/days of the grain dryer and
storage bins (THIS APPLICATION MAY AFFECT THE
SETTING OF A PUBLIC RIGHT OF WAY)

Location: Dryer Site Four Dell Farm Poles Lane Otterbourne Hampshire
Officer PER

Recommendation:

Committee Decision:

REFUSED SUBJECT TO THE FOLLOWING REASON(S):-

The increase in the use of the dryer and silos will increase the potential for noise
disturbance to local residents.

(Exact wording delegated to HOPM in consultation with Chair of DPC)

Item **Compton And Shawford** **Ward** **Compton And Otterbourne**

3 **Conservation Area:**

Case No: 08/02578/REM

Ref No: W20444/01

Date Valid: 19 November 2008

Grid Ref: 447370 125251

Team: WEST **Case Officer:** Miss Megan Birkett

Applicant: Abbotswood Properties

Proposal: Reserved matters following outline permission for 1 no.
dwelling

Location: Shawford Close Bridge Lane Shawford Winchester
Hampshire SO21 2BL

Officer WDN

Recommendation:

Committee Decision:

WITHDRAWN.

Item	Kings Worthy	Ward	Kings Worthy
4	Conservation Area:		
	Case No:	09/00126/FUL	
	Ref No:	W21066/01	
	Date Valid:	23 January 2009	
	Grid Ref:	449430 132485	
	Team:	EAST	Case Officer: Mr Andrew Rushmer
	Applicant:	Mr Angus Swain	
	Proposal:	Single storey rear extension and partial loft conversion (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY)	
	Location:	1 Victoria Cottages London Road Kings Worthy Winchester Hampshire SO23 7QN	
	Officer	REF	
	Recommendation:		

Committee Decision:

REFUSED SUBJECT TO THE FOLLOWING REASON(S):-

Conditions/Reasons

1 It is considered that the design of the proposed extension fails to respect the character of the original property and as such the proposal fails to preserve the character and appearance of the conservation area, which is contrary to the requirements of policy HE5 and DP3 of the Winchester District Local Plan Review 2006 and Planning Policy Guidance Note 15.

Informatives

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

Winchester District Local Plan Review 2006: HE5, HE16, DP3
Planning Policy Guidance Note 15
Kings Worthy and Abbots Worthy Village Design Statement

Item **Winchester Town** **Ward** **St Paul**

5 **Conservation**

Area:

Case No: 08/02758/TPO

Ref No: WTPO/1820/15

Date Valid: 2 December 2008

Grid Ref: 446572 129409

Team: EAST **Case Officer:** Mr Thomas Gregory

Applicant: Mrs Anne Cryer

Proposal: Phased crown reduction over 3 years to 4m to beech tree

Location: Street Record Bath Place Winchester Hampshire

Officer PER

Recommendation:

Committee Decision:

APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-

Conditions/Reasons

1 The height of the Beech hedge shall be maintained at an average height of no less than 5.5 metres.

Reason: In the interests of visual and neighbour amenity and to ensure the long term viability of the Beech hedge.

Informatives

Prior to commencement of any works, the applicant is advised to obtain permission from the landowner. The applicant is advised to contact Ivan Gurdler at Winchester City Council to obtain written permission before undertaking any works.
