

**PLANNING DEVELOPMENT CONTROL COMMITTEE**

**9 July 2009**

Attendance:

Councillors:

Jeffs (Chairman) (P)

Barratt (P)  
Baxter (P)  
Busher (P)  
Evans (P)  
Fall (P)

Huxstep (P)  
Johnston (P)  
Lipscomb (P)  
Ruffell  
Tait (P)

Deputy Members:

Councillor Berry (Standing Deputy for Councillor Ruffell)

Other in attendance who did not address the meeting:

Councillor Pearce

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1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 18 June 2009, be approved and adopted.

2. **DEVELOPMENT CONTROL SCHEDULE**  
[\(Report PDC813 Refers\)](#)

Councillor Barratt declared a personal (but not prejudicial) interest in respect of Item 2, as she was acquainted with the applicant. Councillor Barratt spoke and voted thereon.

Councillor Berry declared a personal (but not prejudicial) interest in respect of Item 2, as she had campaigned for the applicant when he stood as a County Councillor, as he was a member of the same political party as Councillor Berry. However, she did not know the applicant personally and had no prior knowledge or involvement in the application. Councillor Berry spoke and voted thereon.

Councillor Busher declared a personal and prejudicial interest in respect of Item 3 as the objector (Mr Jonas) and his wife were close personal and family friends. Councillor Busher addressed the Committee as a member of the public in objection to the application and then withdrew from the meeting room and took no part in the debate or vote thereon.

Councillor Evans declared a personal (but not prejudicial) interest in respect of Item 3 as she was acquainted with one of the objectors. Councillor Evans spoke and voted thereon.

Councillor Fall declared a personal (but not prejudicial) interest in respect of Item 2 as the applicant was a Governor at Westgate School together with Councillor Fall. She did not know the applicant personally and had no prior knowledge or involvement in the application. Councillor Fall spoke and voted thereon.

Councillor Lipscomb declared a personal (but not prejudicial) interest in respect of Item 1 as a member of the Council of the City of Winchester Trust which had commented on the application. However, he had taken no part in the Trust's consideration of the item and he spoke and voted thereon.

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

Item 2: 70 Belgarum Place, Staple Gardens, Winchester – Case Number 09/00059/FUL

Mr Kelly spoke against the application and Mr Saunders (applicant's agent) spoke in support.

Following debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) as set out in the Report.

Item 3: Green Ridge, Lower Lane, Bishops Waltham - Case Number 09/00622/FUL

Mr Jonas (a neighbour), Councillor Busher (speaking as a member of the public) and Mrs Edge (Bishops Waltham Parish Council) all spoke against the application. Mr Tear spoke in support.

The Head of Planning Management explained that, subsequent to the publication of the Report, Local Plan Policy HE.16 had ceased to have effect after 7 July 2009. It was explained that after three years, Local Plan policies ceased to have effect unless they were saved. The Council had submitted a list of the policies it wished to save and that this had now been confirmed by the Secretary of State.

Policy HE.16, which applied to the setting of listed buildings, had not been saved and, therefore, from 7 July 2009 no longer formed part of the Winchester District Local Plan.

However, the Head of Planning Management stated that, notwithstanding the loss of Policy HE.16, he considered that the proposed works would not have a detrimental impact on the setting of the neighbouring listed buildings and were in accordance with regional and national planning policy, in particular PPG15, paragraph 2.16.

Following debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) as set out in the Report.

The following items had no public participation:

Item 1: Kirtling House, 52 Chilbolton Avenue, Winchester – Case Number 09/00527/FUL

The Head of Planning Management explained that, subsequent to the publication of the Report, further investigations had been conducted with regard to the developer's contribution towards public open space and transport infrastructure. He therefore recommended an amended recommendation as set out below:

“Application be permitted, subject to:

The securing by Legal Agreement (the terms of which are to be approved by the Head of Legal Services) of the following provisions under Section 106 of the Town and Country Planning Act, and any other relevant provisions as set out below:

- a) A public open space contribution of £28,068 towards sports provision and children's play facilities
- b) A contribution towards Hampshire County Council's Transport Infrastructure Improvement Scheme namely £10,000 towards upgrading a footpath opposite Links Road on Chilbolton Avenue, adjacent to the Royal Winchester Golf Club.

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee); and...”...continues as out set on page 13 of the Report.

Furthermore, the Head of Planning Management reported that, subsequent to the publication of the Report, the City Council's Drainage Officer had confirmed that the application was acceptable and that the proposed condition adequately dealt with drainage matters.

The Head of Planning Management also reported that additional plans had been received (Drawing 709-101) which showed black, park-style railings 1.2m high upon the front boundary with Chilbolton Avenue, to replace the previously proposed existing close-board fencing. The new drawings also showed 1.8m board fencing to the rear boundary and the Head of Planning Management advised that both of these changes were acceptable.

During debate, the Committee were concerned about the level of daylight that would reach the proposed basement-level flats, both in terms of future residents' quality of life and the environmental cost of the new inhabitants' dependency on artificial light. The Committee therefore recommended a condition to alter the level of the ground outside the basement windows, to maximise natural daylight in the basement flats.

Furthermore, the Committee agreed that Condition 17 (sustainable energy generation measures) should be amended to include reference to Winchester District Local Plan Policy DP.5.

Following debate, the Committee agreed to grant planning permission subject to the conditions set out in the Report and as amended above (with exact wording delegated to the Head of Planning Management in consultation with the Chairman).

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 (Kirtling House, 52 Chilbolton Avenue, Winchester) the application be permitted with authority being delegated to the Head of Planning Management (in consultation with the Chairman) to agree the conditions as amended above regarding developer's contributions, altering the level of the land outside the basement windows of the site to maximize daylight into the basement flats and to include reference to Policy DP.5 in Condition 17.

3. **PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE MINUTES OF MEETING HELD 11 JUNE 2009**  
[\(Report PDC812 refers\)](#)

The Committee considered the minutes of the Planning Development Control (Viewing) Sub-Committee meeting, held 11 June 2009, which determined an application at Humphrey Farms, Hazeley Road, Twyford. (attached as Appendix A to the minutes)

RESOLVED:

That the minutes of the Planning Development Control (Viewing) Sub-Committee meeting, held 11 June 2009, be received.

The meeting commenced at 9.30am and concluded at 1.50pm

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE: DEVELOPMENT CONTROL MEETING

**RESOLUTIONS**

**09.07.2009**

PART II DEVELOPMENT CONTROL APPLICATIONS  
AND DECISIONS THEREON

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

**1**                      **Conservation**

**Area:**

**Case No:**                      09/00527/FUL

**Ref No:**                      W13741/04

**Date Valid:**                      17 March 2009

**Grid Ref:**                      446758 130196

**Team:**                      EAST                      **Case Officer:** Mr Nick Fisher

**Applicant:**                      Banner Homes Wessex Ltd

**Proposal:**                      Demolition of existing properties and erection of 10 no. two bed and 3 no. four bed dwellings with associated parking, formation of new vehicular access and stopping up of existing access

**Location:**                      Kirtling House, 52 Chilbolton Avenue, Winchester, Hampshire, SO22 5HQ

**Officer**                      PER

**Recommendation:**

**Committee Decision:**

**APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-**

Application Permitted, subject to:

That planning permission be granted as set out with the addition of a highway contribution £10,000, an amendment to the reason for condition 17, and that the Head of Planning Management in conjunction with the chairman agree the wording of an additional condition to maximise internal day light to the basement flats by altering the levels to enable more natural day light to enter rear windows which serve the basement flats.

(i) The securing by appropriate legal agreement (the terms of which are to be approved by the Head of Legal Services) of the following provisions under Section 106 of the Town and Country Planning Act, and any other relevant provisions as set out below:

A) A public Open Space contribution of £28,068 towards sports provision and children's play facilities.

B) A contribution towards Hampshire County Councils Transport Infrastructure Improvement Scheme. £10,000 towards upgrading a footpath opposite Links Road on Chilbolton Ave, adjacent to the Royal Winchester Golf Club.

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

(ii) the following conditions:

**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 Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has 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. NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

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

3 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.

4 Details of provisions to be made for the parking and turning on site 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.

5 The existing access(es) to the site shall be stopped up and abandoned and the footway crossing shall be reinstated to the requirements of 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.

6 The car park shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles.

Reason: To ensure that adequate on-site parking and turning facilities are made available.

7 The development shall take place in accordance with the submitted landscaping and tree information in addition 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.

8 None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory provision of foul drainage.

9 No development or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural report. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

Reason: In the interests of tree protection and to protect the character of the area.

10 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 prepared by Barrells Tree Consultancy referenced 7280-AIA3-AS. Any deviation from works prescribed or methods agreed in the method statement shall be agreed in writing to the Local Planning Authority.

Reason: In the interests of tree protection and to preserve the character of the area.

11 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 dormer windows other than those expressly authorised by this permission shall, at any time, be constructed in the roof areas of the three terraced properties hereby permitted.

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

12 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 D and E of Part 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.

13 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the buildings 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 unless otherwise agreed in writing.

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

14 The following details shall be submitted too and approved in writing by the Local Planning Authority prior to the commencement of development, the approved details shall be fully adhered too unless otherwise agreed in writing by the Local Planning Authority:-

- # 1:20 Scale drawings of the proposed window frames and doors including cross sections to show the cill details to show the cill detail and recessed frames;
- # 1:20 Details of the eaves;
- # Details of the proposed block work for the hard-standing area to be used for vehicle access and parking and turning.

15 The development hereby approved shall incorporate the following features unless otherwise agreed in writing by the Local Planning Authority, once approved these details shall be fully adhered to :-

- # White timber frames recessed by a minimum of 80mm from the exterior;
- # Timber exterior doors;
- # Open porch roofs constructed from timber;
- # Park style railings constructed from mild steel for the proposed enclosure adjacent to Chilbolton Avenue (replacing the existing low close board fencing with similar fencing is not considered to be acceptable).

16 No development shall take place until details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following, as relevant:

- existing and proposed finished levels or contours;
- hardsurfacing materials;
- proposed and existing functional services above and below ground (eg. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.)

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

17 No development shall take place until details of the incorporation of sustainable energy generation measures and energy and water consumption / reduction measures are submitted too and approved in writing by the Local Planning Authority unless otherwise agreed in writing by the Authority. Once approved the details shall be fully implemented and thereafter retained unless agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and to ensure a high standard of development, to accord with NRM policies of the South East Plan

### **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:-  
Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP6, DP9, H3,H7, RT4, T1, T2, T3, T4, T5, W1  
South East Plan 2009: H5, CC4.

3. A formal application for connection to the public sewerage is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH, 01962 858688.
4. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.
5. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

**Item**                      **Winchester Town**                      **Ward**                      **St Bartholomew**

**2**                      **Conservation**

**Area:**

**Case No:**                      09/00059/FUL

**Ref No:**                      W21343

**Date Valid:**                      14 January 2009

**Grid Ref:**                      447918 129741

**Team:**                      WEST                      **Case Officer:** Mr Andrew Rushmer

**Applicant:**                      Mr Roger Davey

**Proposal:**                      Two storey side extension (amended plans received 10.02.2009, clarifying the position of the extension in relation to neighbouring properties). (Amended plans received 01.06.2009 showing reduction in size of extension and amended design)

**Location:**                      70 Belgarum Place, Staple Gardens, Winchester, Hampshire, SO23 8SL

**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 The rooflights shown in the western elevation of the extension hereby permitted shall be glazed in obscure glass and thereafter retained as such in perpetuity.

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

3 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.

4 Before any works hereby permitted are begun, details of any below ground works within the raised garden area shall be submitted to and approved by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.

Reason: To ensure the satisfactory preservation of archaeological remains within the raised garden area of No. 70 Belgarum Place.

5 No development shall take place until a detailed foundation design has been submitted to and approved in writing by the planning authority. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.

Reason: To ensure the satisfactory preservation of archaeological remains within the raised garden area of No. 70 Belgarum Place.

### **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:-

Winchester District Local Plan Review 2006: DP3, DP4, DP5, HE5, HE6  
Planning Policy Statement 1  
Planning Policy Statement 3  
Planning Policy Guidance Note 15

<b>Item</b>	<b>Bishops Waltham</b>	<b>Ward</b>	<b>Bishops Waltham</b>
<b>3</b>	<b>Conservation Area:</b> <b>Case No:</b> <b>Ref No:</b> <b>Date Valid:</b> <b>Grid Ref:</b> <b>Team:</b> <b>Applicant:</b> <b>Proposal:</b>	Bishops Waltham - Extended October 1985, Boundary amendments March 2000 Published November 2001 09/00622/FUL W08212/06 31 March 2009 455449 117659 WEST	<b>Case Officer:</b> Mr Mark Croucher  (RETROSPECTIVE) (AMENDED DESCRIPTION) Raising the ridge height of the roof and alterations to front dormer windows.  <b>Location:</b> Green Ridge, Lower Lane, Bishops Waltham, Southampton, Hampshire, SO32 1AS <b>Officer</b> PER <b>Recommendation:</b>

**Committee Decision:**

**APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-**

**Conditions/Reasons**

None

**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:-

The South East Plan: CC6, BE6  
Winchester District Local Plan Review 2006: DP3, H3, HE4, HE5, HE16

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