

PLANNING DEVELOPMENT CONTROL COMMITTEE

10 December 2009

Attendance:

Councillors:

Jeffs (Chairman) (P)

Baxter (P)
Bell (P)
Busher (P)
Evans (P)
Fall

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

Deputy Members:

Councillor Berry (Standing Deputy for Councillor Tait)
Councillor Pearce (Standing Deputy for Councillor Fall)

Others in attendance who addressed the meeting:

Councillors Allgood and Weston

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 19 November 2009, be approved and adopted.

2. **DEVELOPMENT CONTROL SCHEDULE**

(Report [PDC834](#) 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.

By way of a personal statement, Councillor Jeffs explained that, due to his involvement with the Perin's School car park and footpath project, he had predetermined Item 3. Councillor Jeffs therefore withdrew from the Committee for that item and sat in the public gallery during consideration of the item and took no part in the debate or voting thereon.

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

thereon. Councillor Lipscomb also declared a personal (but not prejudicial) interest in respect of Item 2, as he was Chairman of the Hampshire Air Ambulance Association which utilised the same mobile telecommunications technology as provided by the applicant. He spoke and voted thereon.

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

Item 1: Scatterbrook Farm, Maybush Lane, Soberton – Case Number 09/01967/FUL

Mr Tutton (applicant's agent) spoke in support of the application and Councillor Weston (a Ward Member) spoke against.

Councillor Weston advised that she was also speaking on behalf of Soberton Parish Council who had also objected to the application.

In summary, Councillor Weston reported concerns of the cumulative visual impact in the area from the proposals. She referred to the existing stable block that had previously been required to be removed and of other unlawful structures at the site. Therefore, further development here would be overdevelopment of this relatively small site, which would have an adverse visual impact, including from distant views.

Councillor Weston also reminded Members of the previous comments of the Council's Landscape Officer, with regard to an application in 2007 for sheds to accommodate rabbits at the site. Concerns had been raised then about the adverse visual impact of the site, especially when hedgerows were not in leaf.

Councillor Weston was also concerned at apparent increased surface water run-off from the site to the road surface, which was likely to be very hazardous when freezing. She also referred to concerns over increased traffic to the proposed farm shop and of the negative impact this was likely to have on the narrow highway at this location, including from parking. Councillor Weston drew attention to the fact that lighting at the new building had not been specified within the details of the planning application. She suggested that as light pollution from the site was currently an issue, further conditions to remediate this concern should be considered. Finally, she requested that the Committee condition the colour of the new structure, as this was currently inappropriate for some of the existing structures at the site.

In response, the Head of Planning Management reminded the Committee that the cumulative visual impact of the site was not a material planning consideration. Members should only refer to the appearance of the proposed structure detailed as part of this planning application. Furthermore, Members were advised that the stable block that had previously been required to be removed, was subject to a condition to secure its removal on a previous planning application; therefore it could not be considered in relation to this proposal. With regard to the concerns of water run-off causing a hazard to the highway, this was subject to separate legislation and was not under the direct control of the Council. It was also clarified that, should the Committee be

mindful to agree consent, an additional condition could be added to the application to specify that floodlighting would not be permitted. Finally, it was also considered that the hedgerow at the boundary remained sufficiently leafed during the winter.

The Head of Planning Management also advised that, since publication of the Report, an additional condition was proposed to ensure that the new building could not be used for any retail purposes, other than in connection with the produce arising from the agricultural holding. This would replace existing Informative 5. The Committee was also advised that a further letter of representation had been received, since publication of the Report, which raised additional concerns about the smell from manure at the site and of the welfare of animals kept there.

Following discussion, the Committee agreed to the proposed additional condition referred to above, but with additional words added to ensure that only fresh products from the small holding could be sold

Members also referred to the concerns of the lighting of the new structure and agreed that a further condition be added, to specify that floodlighting would not be permitted. The exact wording of the condition was delegated to the Head of Planning Management in consultation with the Chairman.

During further discussion, Members were also mindful of other unlawful structures that existed at the site. As this proposal was to replace an existing timber stable block, it was agreed that a further Informative be added to require the applicant to notify the Council when development was to commence, so that its layout could be assessed. This would ensure that the existing structure was removed prior to construction.

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 and the additional conditions and Informative referred to above.

Item 2: Hillier Garden Centre, Romsey Road, Winchester – Case Number 09/0686/FUL

Mr Cazalet (agent for the applicant) spoke in support and Councillor Pearce (a Ward Member) spoke against the application.

In summary, Councillor Pearce advised that he supported the concerns raised by local residents and other Ward Members. He requested that the Committee defer consideration of the application to allow determination by a meeting of the Planning Development Control (Viewing) Sub-Committee, so that Members could firstly assess the impact of the mast in the local area.

Councillor Pearce highlighted concerns relating to potential damage to trees following the unlawful construction of the concrete plinth, the visual intrusiveness of the mast (especially when the trees were not in leaf) and of the apparent interference of the equipment with the adjacent prison's radio frequency. He drew attention to the fact that the actual height of the structure

(which including antennae was 17.5 metres) and that the trees had a maximum height of approximately 14 metres.

Councillor Pearce also highlighted that residents had not been consulted on the new mast and he reminded that this location was densely populated and that the hospital, prison and university sites were nearby. He also referred to the applicant's initial use of a diesel generator, which had been removed following noise complaints from residents.

In response to the comments raised, the Head of Planning Management advised that the applicant's agent had stated that suggestions of radio interference were likely to be due to existing issues and not caused by the new installation. Furthermore, the frequency utilised by the applicant, Airwaves, was an exclusive network that was only for the use of public service providers. The Committee was also reminded that, due to inaccuracies in their plans, the applicant had initially incorrectly submitted a prior notification application for the equipment. A full planning application was eventually submitted, but only after the mast had been constructed. It was also explained that the applicant had agreed to a planning obligation, whereby should nearby trees die or become seriously defective, they would be replaced, or should the applicant be unable to achieve this (for example, if they were located on land outside of its control) then the mast and associated equipment would have to be removed.

Members did not support Councillor Pearce's suggestion to refer determination of the application to a meeting of the Planning Development Control (Viewing) Sub-Committee.

At the conclusion of debate, the Committee agreed to grant retrospective planning permission for the reasons (and subject to the conditions) set out in the Report.

Item 3: Perins School, Pound Hill, Alresford 09/01990/FUL

In the absence of the Chairman, Councillor Huxstep took the Chair for this item only.

Ms Blackwell (resident) spoke against the application.

The Head of Access and Infrastructure undertook to informally request the owner of the access road adjacent to the proposed new path entrance (the Scouting Association) to carry out remedial works to improve its surface.

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.

Item 4: Winchester Guildhall, The Broadway, High Street, Winchester – Case Number 09/02117/FUL

Councillor Allgood (Portfolio Holder for Finance and Efficiency) spoke in support of the application.

In summary, he reported on the objectives of the application. In addition to ensuring that the Guildhall was compliant with the Disability Discrimination Act with regard to improving its accessibility, the various enhancements would also ensure that the Guildhall continued to be a local, national and international venue for conferences etc. Councillor Allgood also referred to the improvements to be undertaken to bring the energy efficiency of the building to modern standards. There would also be an area to securely display the Council's collection of civic silver and paintings. Finally, the moving of the café to a more prominent position at the front of the Guildhall, would also help into achieve further income for the Council to support other services, in addition to contributing positively to the adjacent Silver Hill redevelopment.

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, planning permission be granted for the reasons and subject to the conditions set out in the Report and an additional condition to replace the existing Informative 5 to read as follows:

The building hereby permitted shall not be used for any retail purposes other than in connection with the sale of fresh unprocessed produce arising from the agricultural holding at Scatterbrook Farm.

Reason: To prevent the establishment of a general retail unit on the holding which would be unacceptable in this countryside location.

Permission would also be subject to a further condition being included (with exact wording delegated to the Head of Planning Management in consultation with the Chairman) to specify that floodlighting of the new building would not be permitted.

A further Informative would also be included (with exact wording delegated to the Head of Planning Management in consultation with the Chairman) to require the applicant to notify the Council when development was to commence so that its layout could be assessed.

3. **CONFIRMATION OF TREE PRESERVATION ORDER 1968 – LAND AT THE OLD ESTATE OFFICE, THE AVENUE, SUTTON SCOTNEY**

(Report [PDC835](#) Refers)

The Head of Environment clarified that the owner of the horse-chestnut tree had recently pollarded the tree back to its original pollard points. Although those works had removed much of its canopy, it was still the opinion of the Arboricultural Officer that the tree remained a significant feature of the local landscape and Conservation Area, and therefore should be the subject of a preservation order.

During discussion, the Committee was concerned about the tree's close position to properties and of the damage it may cause to them over time. It was acknowledged that the recent pollarding had removed much of the immediate requirement for maintenance and alleviated these risks; however, it was considered that these works had also removed most of the tree's visual amenity.

At conclusion of debate, the Committee agreed that it did not support the recommendation to confirm a tree preservation order, as Members considered that it no longer contributed to the Conservation Area following the pollarding works. Furthermore, the tree was also likely to cause damage to the adjacent properties over time.

RESOLVED:

1. That Tree Preservation Order 1968 be not confirmed
2. That the reasons for not confirming the Order be based on the above discussion with exact wording delegated to the Head of Planning Management in consultation with the Chairman.

The meeting commenced at 9.30am and concluded at 1.30pm

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE : DEVELOPMENT CONTROL MEETING

DECISIONS

10.12.2009

PART II DEVELOPMENT CONTROL APPLICATIONS
AND DECISIONS THEREON

Soberton

Ward

Swanmore And Newtown

1 Conservation

Area:

Case No: 09/01967/FUL

Ref No: W08375/08

Date Valid: 1 October 2009

Grid Ref: 460848 114551

Team: WEST

Case Officer: Mr Simon Avery

Applicant: Mr Mark Paige

Proposal: (AMENDED DESCRIPTION) Erection of an agricultural building for use as a farm shop and incubation area

Location: Scatterbrook Farm, Maybush Lane, Soberton, Southampton, Hampshire, SO32 3QF

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 building hereby permitted shall be finished in a dark green colour, samples of which are to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The works shall be undertaken in accordance with these approved details and thereafter retained in that colour.

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

3 Details of any hardstanding around the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The works shall be undertaken in accordance with these approved details.

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

4 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 building is first brought into use.

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

5 An Arboricultural Method Statement, demonstrating how the root protection area of the nearby Oak tree will be protected in accordance with BS5837:2005, shall be submitted to and approved by the Local Planning Authority, prior to any demolition, construction or groundwork commencing on the site.

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

6 The building hereby approved shall not be used for the keeping of animals or birds other than ducks, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

7 The building hereby permitted shall not be used for any retail purposes other than the sale of fresh unprocessed produce from the agricultural holding at Scatterbrook Farm.

Reason: To prevent the establishment of a general retail unit on the holding which is unacceptable in this countryside location.

8 No floodlighting whether free standing or affixed to the proposed structure, shall be provided on the site at any time.

Reason: In the interest of the visual amenities of the area to prevent light pollution in an area of designated countryside.

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, CE5, CE13, CE16, T2, T4
South East Plan 2009: C4, CC6, BE6

3. All works including demolition and construction should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs

Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise disturbance 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.

4. No materials should be burnt on site. Where the Environmental Protection Team substantiate allegations of statutory nuisance, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through burning of materials is a direct offence under The Clean Air Act 1993.

5. The applicant is advised that the Local Planning Authority (Compliance Officer) prior to the commencement of development to inspect the setting out of the building and monitor works at the site, with particular reference to the removal of the existing stable.

6. The applicant is advised that the display of advertisement at the site is likely to require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and advertisements should not be displayed before the advice of the Local Planning Authority has first been obtained as to whether consent is required.

Winchester Town

Ward

St Paul

- 2 Conservation Area:** Winchester - Designated as 3 separate areas Dec 1967 and May 1969
Extended February 1981, June 1986 and January 1990 Now combined into one area.
Published 2003
- Case No:** 09/01686/FUL
Ref No: WTC/172/01
Date Valid: 14 August 2009
Grid Ref: 446996 129432
Team: EAST **Case Officer:** Mr Nick Fisher
Applicant: Airwave Solutions Limited
Proposal: Installation of a 15m streetworks pole upon a 19cm concrete plinth, supporting 3 antennas and 2 no. 600m dish with equipment cabinet at ground level and ancillary development (RESUBMISSION) (RETROSPECTIVE)
- Location:** Hillier Garden Centre, Romsey Road, Winchester, Hampshire, SO22 5DL
- Officer** PER
Recommendation
:

Committee Decision:

APPROVE SUBJECT TO:-

- (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:**

To secure the replacement of trees that are within 10m of the compound if they die or become seriously defective (in the opinion of the Local Planning Authority) as a result of the erection of the mast and associated equipment. Replacement trees must comprise the same species and be well established when planted. If the applicant is unable to secure the replacement of the trees, then the mast and associated structures shall be completely removed from the site within 6 months of instruction from the Local Planning Authority.

(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 No additional equipment shall be introduced to the compound/into the cabinet without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

2 The permanent fencing serving the secure compound shall be erected within three months of this consent unless otherwise agreed in writing by the Local Planning Authority. Full details of the method of construction / implementation shall be agreed in writing with the Local Planning Authority prior to the erection of the fencing. The approved details shall be fully adhered too unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the facility is secure and in the interests of tree protection.

3 If the facility should become disused (i.e. no longer used for the purposes of supporting a telecommunications network to serve the emergency services and other governmental bodies) the mast and associated equipment shall be removed from the site within three months of the facility becoming redundant unless otherwise agreed in writing by the Local Planning Authority. The concrete plinth shall be removed and the land returned to its previous state, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the mast is removed if is no longer required, in the interests of visual 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:-

Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP10, DP14
South East Plan 2009: CC6

New Alresford

Ward

The Alresfords

- 3 Conservation** New Alresford - Boundary amendments May 1999, Published
Area: November 2001
Case No: 09/01990/FUL
Ref No: W11401/17
Date Valid: 1 October 2009
Grid Ref: 458469 132511
Team: EAST **Case Officer:** Mr Nick Fisher
Applicant: Winchester City Council
Proposal: Alterations to footpath (amendment to existing planning permission W11401/16)
Location: Perins School, Pound Hill, Alresford, Hampshire, SO24 9BS
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 gap in the hedge left from the existing access which it is proposed to remove, shall be sealed with additional planting of native hedging / trees, the species of which will be agreed in writing with the Local Planning Authority prior to the commencement of development. Once agreed the approved details shall be fully adhered unless otherwise agreed in writing by the Local Planning Authority. The planting shall take place within 6 months of the completion of the footpath or at the time of completion, unless otherwise agreed in writing by the Local Planning Authority. Should any of the infilling planting become deceased, die or be removed within 5 years of the date of this permission, it shall be replaced within the next planting season.

Temporary protective fencing shall be erected to protect the infilling planting until the planting has become established, and to ensure that the sealed access is not useable.

Reason: To ensure that the previous entrance / exit is sealed. To ensure that the visual amenity of local residents and persons using the adjacent track is not harmed.

3 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.

4 No hedge / shrub removal other than that shown on the approved plans shall take place unless otherwise agreed in writing by the Local Planning Authority. Hedge and shrub removal shall not take place between the months of March to August, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity and in the interests of breeding birds that may use the hedgerow as a place to breed.

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, DP10, SF6, RT2, RT7, T3, T8
South East Plan 2009: CC6

3. No materials should be burnt on site. Where the Health and Housing Service substantiate allegations of statutory nuisance, an Abatement Notice may be served under the Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through burning of materials is a direct offence under the clean air act 1993.

4. All works including the demolition and construction should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300 Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Health and Housing Service, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. The applicant should note that the application is determined upon the basis of the revised plans - drg no 70050019/403A.

Winchester Town

Ward

St Michael

- 4 Conservation Area:** Winchester - Designated as 3 separate areas Dec 1967 and May 1969
Extended February 1981, June 1986 and January 1990 Now combined into one area.
Published 2003
- Case No:** 09/02117/FUL
Ref No: W05074/45
Date Valid: 20 October 2009
Grid Ref: 448413 129335
Team: WEST **Case Officer:** Miss Megan Birkett
Applicant: Winchester City Council
Proposal: Refurbishment of Winchester Guildhall including installation of a lift, alterations to create an additional 78.5 square metres of floorspace inside the existing building, alterations for improvements for disabled access, refurbishment of King Alfred Hall (including replacement of roof material) and relocation of ground floor cafe to north-east corner of building and creation of a new entrance in the front elevation for use by the cafe, use of existing cafe for functions room.
Alterations to rear roof slope.
- Location:** Winchester Guildhall, High Street, Winchester, Hampshire, SO23 9GH
- 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).

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, HE4, HE5, HE14
South East Plan 2009: CC6, BE6
