

PLANNING DEVELOPMENT CONTROL COMMITTEE

22 August 2013

Attendance:

Councillors:

Ruffell (Chairman) (P)

Evans

Gottlieb (P)

Izard (P)

Johnston (P)

Lipscomb (P)

McLean (P)

Pearce (P)

Pearson

Read (P)

Deputy Members

Councillor Bodtger (Standing Deputy for Councillor Pearson) and
Councillor Clear (Standing Deputy for Councillor Evans)

Others in attendance who addressed the meeting:

Councillor Gemmell

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 18 July 2013, be approved and adopted.

2. **DEVELOPMENT CONTROL SCHEDULE**
(Report PDC970 and Update Sheet refers)

The schedule of development control decisions arising from consideration of the above Report is circulated separately and forms an appendix to the minutes.

The Committee agreed to receive the Update Sheet as an addendum to Report PDC970.

Councillor Lipscomb declared a Disclosable Pecuniary Interest in respect of Item SDNP01 as he was the Council's appointed Member on the South Downs National Park Authority. He had been granted a dispensation by the Monitoring Officer to participate and vote in all matters which may have a South Downs National Park Authority involvement for the duration of his current term of office as a Councillor on the City Council, except where a material conflict of interests may exist, which it did not in this case. Councillor Lipscomb spoke and voted thereon.

By way of a personal statement, Councillor Bodtger explained that she supported the application set out as SDNP Item 1 and therefore had predetermined the matter. Councillor Bodtger withdrew from the Committee for that item and, having made representations during public participation as a Ward Member, sat in the public gallery during its determination.

Applications outside the area of the South Downs National Park (WCC):

The following items had speakers during public participation:

Item 1: Single-storey extension; use of land for employment purposes and additional parking area – ARB Mechanical Ltd, Winchester Road, Waltham Chase - 12/02424/FUL

The Committee referred to the Update Sheet which set out an amended Condition 12. The Head of Development Management also recommended an amendment to Condition 6 in the Report, which should state that there be no *external* lighting (rather than ‘flood lighting’) at the site, unless otherwise agreed by the Local Planning Authority.

Mr Skelding (representing Shedfield Parish Council) and Councillor Gemmell (a Ward Member for Shedfield) spoke against the application. Mr Tutton (agent) spoke in support. After their deputations, Mr Skelding and Councillor Gemmell responded to the Committee’s questions.

In summary, Councillor Gemmell advised that the proposals represented encroachment into the Local Gap and the application was therefore contrary to Local Plan policies.

In response and during discussion, the Assistant Director (Built Environment) explained that a judgement was required to be made, as to whether the proposals were likely to cause material planning harm in undermining the purpose and function of the Local Gap. Local Plan policies were not intended to require all development in gaps to be refused. In this case, officers were of the view that the impact on the gap was modest and acceptable. It was also confirmed that the land required for the extension was part of a field within the designated countryside and that the lawful use was for agriculture.

During further discussion, it was agreed that Condition 9 be amended to refer to there being no vehicular access to, and *egress from*, the site via Lower Chase Road. The Head of Development Management also advised that a new condition be added, to specify that details of all approved drawings and plans should be submitted to the Council. The Committee supported this addition and the proposed revised condition 6 with regard to external lighting at the site.

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

Item 2: Re-instatement of barn to form 1no. unit of tourist accommodation – Snakemoor Farm, Snakemoor Lane, Durley - 13/00858/FUL

Councillors Clear and Lipscomb advised that they had been unable to attend the previously arranged site visit. However, they considered that they had enough information from the Report and from the officer's presentation to take part in the determination of the application.

The Committee referred to the Update Sheet which referred to a typographical error – the proposed building would be set back approximately 4.6 metres from the front boundary, not 1.6 metres.

Mr Packman (agent) spoke in support of the application and responded to the Committee's questions thereon.

During discussion, the Committee considered that the proposal was appropriate in scale and was in keeping with adjacent buildings at the farm. The footprint of the previous building (where the new building was to be constructed) was clearly evident and it was agreed that this site was currently unsightly and visible from the road. The Committee decided that the new building was appropriate in this location, taking into account that it was effectively a replacement building. The proposal was therefore in accordance with policy MTRA4 of the Joint Core Strategy, which allowed for small scale sites for low key tourist accommodation appropriate to the site, location and setting.

Therefore, at the conclusion of discussion, the Committee did not support the recommendation to refuse as set out in the Report for the above reasons and instead agreed to grant planning permission, with authority being delegated to the Head of Development Management to set conditions, including that there should be an appropriate landscaping scheme and that the building shall be limited to tourist accommodation. The matter of drainage would also need to be further considered in consultation with the applicant and, provided officers were satisfied that the development could be satisfactorily drained, the matter could be dealt with by condition.

RESOLVED:

That the decisions taken on the Development Control Applications in relation to those applications outside the area of the South Downs National Park be agreed as set out in the Schedule (appended to the minutes for information), subject to:

- (a) That in respect of Item WCC01, ARB Mechanical Ltd, Winchester Road, Waltham Chase, planning permission be permitted subject to the Conditions in the Report and amended Conditions 12 in

the Update Sheet and the following (with their exact wording delegated to the Head of Development Management):

- Amended Condition 6, to specify that rather than ‘flood lighting’, there should be no *external lighting* at the site unless otherwise agreed in writing by the local planning authority.
- Amended Condition 9, to refer to there being no vehicular access to and *egress from* the site via Lower Chase Road.
- A further new condition to specify that details of all approved drawings and plans should be submitted to the Council.

(b) That in respect of Item WCC01 – Snakemoor Farm, Snakemoor Lane, Durley, planning permission be permitted subject to officers being satisfied that the development can be satisfactorily drained and appropriate conditions, including that there should be an appropriate landscaping scheme and that the building shall be restricted to tourist accommodation (the exact wording delegated to the Head of Development Management).

Application within the area of the South Downs National Park (determined on behalf of the National Park Authority (SDNP)):

The following item had speakers during public participation:

Item SDNP1: Refurbishment and conversion of cottage outbuilding into residential dwelling to include demolition of two sections of the building and replace with single storey extension – Exton Cottage, Allens Farm Lane, Exton SDNP/12/03026/FUL

Councillors Clear and Lipscomb advised that they had been unable to attend the previously arranged site visit. However, they advised that they considered that they had enough information from the Report and from the officer’s presentation to take part in the determination of the application.

The Committee referred to the Update Sheet which included a consultation response from the Hampshire County Council Ecologist, received since publication of the Report. The Head of Development Management explained that this had necessitated an additional reason for refusal relating to the ‘three derogation tests’ under the Habitats Regulations.

Councillor Bodtger (Ward Member for Upper Meon Valley) and Mr Frere-Cook spoke in support of the application. After their deputations, they both responded to the Committee’s questions.

In summary, Councillor Bodtger referred to the planning history of the outbuilding and of the local support to renovate and convert the building back into a dwelling house. The proposals accorded with all relevant policies, notably MTRA4. Councillor Bodtger was concerned at the late consultation

submission requiring an additional bat survey, apparent delays in determining the application and also that the level of financial contributions required of the applicant were disproportionate.

In response, the Head of Development Management advised that wider dialogue had taken place since the application was first submitted and additional information had been subsequently provided by the applicant to overcome some of the original objections to the scheme. The Assistant Director (Built Environment) acknowledged the late request of the Ecology Officer for an additional survey had not been anticipated.

During discussion, the Committee noted that the building had historically been a dwelling. Planning permission had also previously been granted for its conversion back into a house. It was situated well within the village boundary and within the curtilage of the main house. Therefore, Members agreed that its most suitable use would be as a single unit of residential accommodation and there was unlikely to be an alternative suitable use that would lead to the restoration of the historic building. Members acknowledged that potential uses defined within Policy MTRA4 would not be suitable in this instance because of the nature and location of the building which was within the garden of Exton Cottage and close to other houses. The use of the building as a dwelling house was in accordance with saved Local Plan policies relating to residential conversions. The Committee welcomed the suggestion of the Assistant Director (Built Environment) for there to be further dialogue to urgently resolve the concerns of the Ecology Officer with regard to bats if possible, and that this be a caveat to any planning permission granted. Given that Members were of the opinion that the conversion was consistent with local policy, the first two derogation tests had been met. If the matter of the adequacy of the survey could be resolved, mitigation could be conditioned and the third test would then be met.

At conclusion of debate, the Committee did not support the recommendation set out in the Report for the above reasons and instead resolved to grant planning permission, subject to a Section 106 planning obligation, with authority being delegated to the Head of Development Management to set appropriate conditions, to include details of materials to be used and landscaping. Financial contributions for open space, transport and affordable housing (the latter being subject to a viability appraisal to determine the level of contribution) would be secured by planning obligation). Planning permission would also be subject to the impact of the development upon bats being satisfactorily resolved. The Head of Historic Environment pointed out that the building was ancillary to the listed main house and constituted a "curtilage building". Therefore, in addition to the Committee's resolution to grant planning permission, the proposed conversion and renovation would need to be subject to a separate application for listed building consent. The Committee was advised that further, relatively minor changes to the scheme would be sought in relation to this application.

RESOLVED:

That the decision taken on the Development Control Applications in relation to the application within the area of the South Downs National Park be agreed as set out in the Schedule (appended to the minutes for information), subject to:

(a) That in respect of Item SDNP01 – Exton Cottage, Allens Farm Lane, Exton, planning permission be permitted subject to appropriate planning obligations and conditions to secure details of materials to be used, landscaping, financial contributions etc and also subject to the impact of the development upon bats being satisfactorily resolved. A separate listed building consent would be needed.

3. **LOCAL REQUIRMENTS LIST FOR VALIDATION OF PLANNING APPLICATIONS**

(Report PDC969 refers)

RESOLVED:

That the new local requirements list (attached as Appendix 1 to the Report) be endorsed for the purpose of validating planning applications, to take effect from 1 September 2013.

The meeting commenced at 9.30am and concluded at 12.40pm.

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE : DEVELOPMENT CONTROL MEETING

DECISIONS

22.08.2013

PART II DEVELOPMENT CONTROL APPLICATIONS
AND DECISIONS THEREON



Working in Partnership



Shedfield **Ward** **Shedfield**

WCC **Conservation**
01 **Area:**

Case No: 12/02424/FUL
Ref No: W10568/04
Date Valid: 6 December 2012
Grid Ref: 456227 115833
Team: 2_STH **Case Officer:** Mr Simon Avery
Applicant: ARB Mechanical Ltd
Proposal: (AMENDED PLANS) Erection of a single-storey extension at the east elevation; use of land for employment purposes and additional parking area

Location: A R B Mechanical Ltd Winchester Road Waltham Chase Southampton SO32 2LL

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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

3 The landscaping and planting as detailed on the approved Soft Landscaping Plan No 0193/13 Rev. 2 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 The extension hereby permitted shall only be used for ancillary purposes to the existing B2 industrial unit.

Reason: In the interests of local amenity and highway safety.

5 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays and at no time on Sundays and recognised public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

6 No external lighting, whether free standing or affixed to an existing structure, shall be provided on the site at any time.

Reason: In the interests of the amenities of the locality.

7 No works shall take place outside the building unless otherwise approved by the Local Planning Authority.

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

8 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.

9 At no time shall there be any vehicular access to, and egress from, the site via Lower Chase Road. Details of means to prevent use of this access by construction vehicles and before the planting is installed, shall be submitted to an approved in writing before works commence on site.

Reason: In the interests of highway safety.

10 All works prescribed, both to trees and that related to demolition and construction activities shall then be undertaken in strict accordance with the Arboricultural Survey written by N J Trowell dated 21 January 2013 and submitted to the Local Planning Authority, apart from the removal of the Poplar tree (T1), which is

not acceptable and this tree shall be retained. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Survey written by N J Trowell dated 21 January 2013 and submitted to the Local Planning Authority and shown on Tree Survey Plan 0177/13 revised 10/05/2013, shall be installed prior to any demolition, construction or groundwork commencing on the site and will remain until the development is complete. The Tree Officer shall be informed once protective measures have been installed so that they can be inspected and deemed appropriate.

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

11 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 extension hereby approved is first occupied.

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

12 The existing storage containers and all external storage on the site shall be removed from the site or stored within the extension hereby approved or the existing building within 1 month of the substantial completion of the extension or its occupation, whichever is the sooner. Thereafter no containers shall be brought onto the site and no external storage shall be undertaken on the site.

Reason: In the interests of neighbouring residential amenities and the amenities of the locality.

13 The parking spaces shall be provided in accordance with the approved plans before the extension is first occupied and thereafter permanently retained and used only for the purpose of accommodating vehicles in association with the use of the industrial unit.

Reason: To ensure the permanent availability of parking for the business.

14 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 1597 L01 A
Soft Landscaping Plan 0193/13 Revision 2 05/06/2013
Proposed Plans 1597 03 B
Proposed Elevations 1597 04 B
Tree Survey Plan 0177/13 Revised 10/05/2013

Reason: To ensure that the development is carried out in accordance with the scope of the consent.

Informatives

1. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit.

2. 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA2, MTRA4, CP8, CP11, CP13, CP18, CP20
Winchester District Local Plan Review 2006: DP3, DP4, T2, T4

4. 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 Bank Holidays. Where allegations of noise from such works are substantiated by the Environmental Health and Housing Department, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Department, 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.

6. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.

Durley

Ward

Owslebury And Curdrige

**WCC
02 Conservation
Area:**

Case No: 13/00858/FUL

Ref No: W02216/09

Date Valid: 17 April 2013

Grid Ref: 450287 116325

Team: 2_STH

Case Officer: Elaine Walters

Applicant: Mr Ben Boyes

Proposal: Re-instatement of barn to form 1 no. unit of tourist accommodation

Location: Snakemoor Farm Snakemoor Lane Durley Southampton Hampshire SO32 2BW

Officer REF

Recommendation:

**Committee Decision: COMMITTEE OVERTURN AND PERMISSION
GRANTED:**

Permitted subject to officers being satisfied that the development can be satisfactorily drained and appropriate conditions, including that there should be an appropriate landscaping scheme and that the building shall be restricted to tourist accommodation (with their exact wording delegated to the Head of Development Management).

SDNP

Conservation

Area:

Case No: SDNP/12/03026/FUL

Ref No:

Date Valid:

Grid Ref:

Team:

Case Officer: Jane Rarok

Applicant:

Proposal: Refurbishment and conversion of cottage outbuilding into residential dwelling to include demolition of two sections of the building and replace with single storey extension

Location: Exton Cottage, Allens Farm Lane, Exton, Southampton, Hampshire, SO32 3NW

Officer REFUSE

Recommendation:

Committee Decision: COMMITTEE OVERTURN AND PERMISSION
GRANTED:

Planning permission granted subject to appropriate planning obligations, conditions, details of materials to be used, landscaping, financial contributions etc and also that the concerns regarding impact upon bats being overcome. NB: A separate listed building consent would be needed
