

PLANNING COMMITTEE

4 February 2016

Attendance:

Councillors:

Ruffell (Chairman) (P)

Dibden (P)
Evans (P)
Izard (P)
Jeffs (P)

Johnston (P)
McLean (P)
Scott (P)
Tait (P)

Others in attendance who addressed the meeting:

Councillors Burns, Cook, Gottlieb, Hiscock, Hutchison and Read (Portfolio Holder for Built Environment).

Others in attendance who did not address the meeting:

Councillors J Berry, Humby, Warwick and Weston.

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 7 January 2016 be approved and adopted.

2. **PLANNING APPLICATIONS SCHEDULE**
(Report PDC1044 and Update Sheet refers)

The schedule of planning application 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 PDC1044.

At the invitation of the Head of Development Management, the Committee had visited the sites relating to Items 1, 2 and 5 on 2 February 2016, to assist them in assessing the proposed developments in relation to their setting and relationship with neighbouring properties. The site visits were attended by Members present on the Committee, with the exception of Councillors Evans, who explained that she would reach her decision as to whether she would

take part in the determination of the applications after hearing the officer's presentation.

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

Item 1: - Demolition of existing buildings and erection of 208 dwellings with associated parking, open space and landscape works. (Amended 30th October 2015).- Hampshire Constabulary HQ, Romsey Road, Winchester. Case number: 15/01217/FUL / W04090/27

During public participation, Kate Macintosh spoke in objection to the application and David Gilchrist (Agent) spoke in support of the application and answered Members' questions thereon.

During public participation, Councillor Hutchison spoke on this item as a Ward Member.

In summary, Councillor Hutchison stated that the proposed development did not resemble the character of Fulflood and its values. Fulflood had terraces with differing styles, a variety of roof lines, front gardens and good use of the topography. The proposed materials did not reflect the character of the area and the proposals did not create an interesting experience at ground level for walkers and cyclists. The proposals were more reflective of the institutional buildings in the area such as the hospital rather than homes. There were also issues to be addressed about pedestrian access including the crossing of Romsey Road and the narrow pavements on the main road. The site was close to the city centre and it was a lost opportunity as a good housing scheme would have added to the local character, as had been the case at recent schemes undertaken in Christchurch and Basingstoke.

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

Item 2: 13 no. Affordable dwellings at Hillier Way - Site 1A and 1B Land Off Hillier Way, Winchester
Case number: 15/02321/FUL / W22714/01

The Head of Development Management referred Members to the Update Sheet which referred to a slight amendment to the wording of condition 8 regarding landscape maintenance and which detailed concerns as set out in an additional letter of objection that had been received.

During public participation, Debbie Rhodes (Winchester City Council Project Manager New Homes Delivery) and Rod Graham (Agent) spoke in support of the application and answered Members' questions thereon.

During public participation, Councillors Hiscock spoke on this item as a Ward Member.

In summary, Councillor Hiscock read out a statement from a resident of Simonds Court. The statement referred to a very busy junction (between Oglander Road and Hillier Way) and that the provision of four car parking spaces to the flats proposed by the junction would increase the possibility of vehicular accidents due to the loss of sight lines and would pose a danger to the cycle route as cyclists would not be heard. The vehicular access to the north of the site by the listed farmhouse would lead to the quietness of the outdoor seating by Simonds Court Common Room being lost. Permitted Development Rights should be removed so that sheds could not be constructed. The proposals would lead to further encroachment on the Grade 2 Listed Building (Abbots Barton Farmhouse) and would lead to it being more hidden from views to the south. Existing parking at Simonds Court might be used by new residents and there was an existing shortage of parking for hospital vehicles that were used by residents.

At the conclusion of debate, the Committee agreed to grant permission for the reasons (and subject to the conditions and informatives), set out in the Report and the Update Sheet, subject to an amendment to condition 13 (permitted development) so it refers to 2015 legislation rather than 2008.

Item 3: (AMENDED DESCRIPTION) Construction of 4 no. detached family homes (2 six bedroom homes and 2 three bedroom homes) with associated hardstanding and landscaping. – Lommedal, Milnthorpe Lane, Winchester. Case number: 15/01943/FUL / W10267/09

The Head of Development Management referred Members to the Update Sheet which corrected a typographical error on page 60, second paragraph "... to the southern, western and northern boundaries. The **eastern** boundary to the adjacent...."

During public participation, Ben Christian (Agent) spoke in support of the application and together with Rob Williams (applicant) and Huw Thomas (architect) answered Members' questions thereon. In reply to a Member's question, it was confirmed that the applicant would be willing to provide £60,000 (£15,000 per unit) towards the offsite provision of affordable housing.

At the conclusion of debate, the Committee agreed to refuse permission for the reasons and informatives set out in the Report.

Item 4. (HOUSEHOLDER) 2 storey extension and single storey garage extension - 15 Regent Close, Otterbourne, Winchester. Case number: 15/02147/FUL / W02032/08

During public participation, Mr Jane spoke in objection to the application and answered Members' questions thereon.

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

Item 5: Residential redevelopment of part of existing public house car park comprising 7no. three bedroom, 2no. two bedroom affordable apartments, new access, car parking, landscaping and ecological mitigation area (AMENDED PLANS AND ADDITIONAL INFORMATION RECEIVED 16th September 2015) - Land at The Alresford Cricketers, Jacklyns Lane, Alresford. Case number: 15/00077/FUL / W23878/01

The Head of Development Management reported that since publication of the Report the Section 106 Agreement had been updated and the affordable housing provision would be for two shared ownership units instead of rented (and the consequent deletion of the reference to in-perpetuity) and there would also be inclusion of the means of maintenance of the ecological land.

During public participation, David Brook spoke in objection to the application and Jade Ellis (Agent) spoke in support of the application and answered Members' questions thereon.

During public participation, Councillor Simon Cook spoke on this item as a Ward Member.

In summary, Councillor Cook stated that the scheme was visually acceptable and had an affordable housing element, but there were some minor flaws that could be resolved through condition. The location of the combined refuse area behind No.1 Paddock Way would lead to noise, odours and nuisance and would affect the amenity of that property and should be re-sited. There was also a lack of space for vehicular movement on site and that the provision of a large area for ecological use had reduced the size of the area for development and for vehicles. Access by Paddock Way was narrow and was not the most sensible route, providing little space for refuse vehicles. The restricted space and lack of garages could lead to parking in neighbouring streets. During construction the use of Tichborne Down Road to access the site should also be considered to reduce disruption.

The Head of Development Management commented that condition 8 (traffic management) could be given further consideration to establish whether access through the public house car park would be advantageous during the construction period to reduce disruption. This matter would be discussed further between the officers and the applicant. There was discussion over the siting of the bin collection point; Members clarified that each house would have its own refuse bin, which would be wheeled to the collection point for refuse collection each week.

At the conclusion of debate, the Committee agreed to grant permission for the reasons (and subject to the S016 legal agreement as amended in respect of the tenure of the 2 affordable housing units to be shared ownership, conditions and informatives), set out in the Report.

Item 6: Construction of stables and manege - Land to the North of The Gables and West of Closewood Road, Hambledon Road, Denmead.
Case number: 15/02448/FUL

The Head of Development Management referred Members to the Update Sheet which detailed an additional condition relating to the satisfactory provision of surface water drainage. Additional conditions were also proposed at the meeting that no caravans should be stored on the site and that the overnight movement, parking or storage of horse boxes, trailers and horse related equipment/paraphernalia should not be permitted. In addition, a letter had been received from Hampshire County Council Highways stating that their recently constructed cross over point on Closewood Road could be utilised to provide access to the site subject to the provision of a set back gate to allow parking off the road. It was explained that the burning of material on site would be controlled by Environmental Health.

During public participation, Mrs Hargreaves representing Denmead Parish Council spoke in objection to the application and Mr Dudman spoke in support of the application and answered Members' questions thereon.

At the invitation of the Chairman, Councillor Read spoke on this item as a Ward Member. In summary, Councillor Read stated that the site had been designated in the Denmead Gap in 1993, and was adjacent to the B1250 running East to North West and had a bridleway to the north. The ancient hedge was in the ownership of Hampshire County Council and had been cut to provide the secondary access. The comments of Denmead Parish Council were relevant. If a condition for personal use was proposed, the site should be returned to open pasture land when ownership changed. He enquired whether the existing access would be blocked. Within the site the structure would be located in the best possible place, as per the application, and if in the future lighting was applied for it should be resisted.

The Head of Development Management commented that a condition for personal use would be onerous but an additional condition could be added to the effect that the new northern access be used only for the removal of waste.

At the conclusion of debate, the Committee agreed to grant permission for the reasons (and subject to the conditions and informatives), set out in the Report and as per the Update Sheet and as outlined above, subject to the inclusion of additional conditions stipulating that no caravans should be stored on the site or the overnight movement, parking or storage of horse boxes, trailers and horse related equipment/paraphernalia and that the new northern access be used only for the removal of waste.

Item 7: Proposed new three bedroom house (WITHIN THE CURTILAGE OF A LISTED BUILDING) (AMENDED PLANS 14.01.16) - Tudor Cottage, 22 Church Lane, Kings Worthy, Winchester.
Case number: 15/00758/FUL / W01929/09

The Head of Development Management referred Members to the Update Sheet which stated that additional neighbour notification had been undertaken on 18 January 2016 following the receipt of amended plans. The publicity did not expire until the 8 February 2016. The recommendation on page 121 of the report was so therefore updated and was set out in full in the Update Sheet.

During public participation, Ian Gordon representing Kings Worthy Parish Council spoke in objection to the application and Lucy Kelly and Huw Thomas spoke in support of the application and answered Members' questions thereon.

At the conclusion of debate, the Committee agreed to refer the application for determination by the Planning (Viewing) Sub Committee to allow Members to assess the proposed dwelling in relation to the neighbouring listed building and associated matters. The meeting of the Planning (Viewing) Sub Committee would take place on Tuesday 16 February 2016.

RESOLVED:

1. 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:

(i) That in respect of item 2 (Site 1A and 1B, Land off Hillier Way, Winchester) condition 13 (permitted development) be amended to refer to 2015 legislation rather than 2008.

(ii) That in respect of item 6 (Land to the north of the Gables and west of Closewood Road, Denmead) additional conditions be included stipulating that no caravans should be stored on the site or the overnight movement, parking or storage of horse boxes, trailers and horse related equipment/paraphernalia and that the new northern access be used only for the removal of waste.

(iii) That in respect of item 7 (Tudor Cottage, 22 Church Lane, Kings Worthy) the application be referred for determination by the Planning (Viewing) Sub Committee to allow Members to assess the proposed dwelling in relation to the neighbouring listed building and associated matters - the meeting of the Planning (Viewing) Sub Committee to take place on Tuesday 16 February 2016.

3. **SILVER HILL DEVELOPMENT, TANNER STREET – DETAILS IN COMPLIANCE WITH PRE COMMENCEMENT CONDITIONS**

(Report PDC1045 refers)

The Committee noted that the Report had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item onto the agenda as a matter requiring urgent consideration to enable the request by Councillor Burns that the discharge of conditions be “called in” to be considered by the Committee.

The Chairman additionally agreed to accept onto the agenda as a matter requiring urgent consideration an additional Appendix 5 the Report, which was a letter from Dentons Solicitors dated 3 February 2016, acting on behalf of Councillor Gottlieb, entitled: Pre-Action Protocol Letter: Proposed Claim for Judicial Review. Copies of the letter were circulated at the meeting and are available to view on the Council’s website.

Councillor Tait declared that he was a City Council nominated Trustee of the St Johns Winchester Charity, which owned and operated alms-houses adjacent to the application site and although he considered that the interest was a Personal (but not Prejudicial Interest) he left the meeting for consideration of this item.

The Head of Legal and Democratic Services stated that since the publication of the Report and in response to the letter from Dentons, as referred to above, (Appendix 5 to the Report refers), the officers were recommending a revised recommendation, which was read out to Committee and is as set out in the resolution below.

The Head of Development Management referred Members to the Update Sheet, which is reproduced below:

“Site Wide Pre-Commencement Conditions

16 and 18 Additional documents to approve:

Ramboll Environ letter dated 29 January 2016 entitled “Land Quality Assessment – Silver Hill, Winchester. Planning Reference 06/01901/FUL”

Ramboll Environ letter dated 1 February 2016 entitled “Land Quality Assessment: Implementation Works, Silver Hill, Winchester. Planning Reference 06/01901/FUL”

Status Update:

Conditions 16 Partial discharge as set out:

- Implementation works (Phase 1A) - Full discharge.
- Site Wide – Approval of Strategy - the scheme to mitigate the effects of contamination will be submitted for partial discharge of

condition 16 following completion of the items set out in point 2 of approved documents. The subsequent investigation and mitigation packages will be submitted for approval under obligations agreed as part of point 2. No major issues are envisaged provided Ramboll are continued to be engaged to advise and oversee the contamination investigation, who have a clear understanding of the City Council's and Environment Agency's expectations in this regard.

Representations received 3

Negative comments made in respect of the principle of the whole scheme and on based on Cllr Burns submission it appears that a hasty decision is being made.

WinACC comment:

The development have not adequately addressed some of the sustainability aspects in conditions 5 and 11 (renewable heat and power; energy efficient buildings; influence on lifestyles) with regard to DP9, PPS1 and WinACC principles for construction materials.”

The Head of Development Management introduced the item and stated that all representations, including those of Councillor Burns, had been fully explored by the officers, although not all had been detailed on the condition tracker. Conditions 16 and 18 were now proceeding as detailed in the Update Sheet extract above.

Key officers provided an update to the Committee on the work they had undertaken since the application to discharge conditions had been submitted.

The Council's Scientific Officer provided detail on condition 7 (Construction Method Statement). In reply to Members' questions arising from points raised in Councillor Burn's letter it was explained in summary that the Construction Method Statement covered both the whole scheme and detailed phase by phase. For example, the consideration of acoustic barriers was included within phase one, and would be revised phase by phase to respond to problems that might arise as the scheme progressed. The actions taken would tie in with the Considerate Contractors Scheme.

The Council's Urban Design and Major Projects Officer provided details on conditions 3 (sections of each elevation) and 4 (details and sample panels of materials to be used). In reply to Members' questions arising from points raised in Councillor Burns' letter it was explained in summary that construction would take place to comply with current building regulations and that the metal cladding would be real metal with details to be decided on site. The variations in detail were non-material and of a nature that would be acceptable under details in compliance.

The Council's Environmental Protection Officer provided details on conditions 16 and 17 (contamination). In reply to Members' questions arising from points raised in Councillor Burns' letter it was explained in summary that following a

survey, any asbestos identified would be removed by an approved contractor. The scheme to mitigate the effect of any contamination would require a detailed desk study and would lead to a conceptual model which would be on a phased basis to reduce exposure to end users. The period anticipated to undertake this scheme was approximately six weeks.

The Council's Historic Environment Officer (Archaeology) explained that archaeology was covered by the s106 legal agreement and not by planning condition. She outlined the ongoing work being carried out to ensure that any archaeological remains would be protected during construction. In reply to Members' questions arising from points raised in Councillor Burn's letter it was explained in summary that designs for the piling works were been discussed with Historic England as part of the details of construction. The best outcome was being sought with structural engineers and there would be full structural drawings. Similarly, the structural engineers were aware of the issues of piling into aquifers and were addressing the issues in consultation with Historic England and the Environment Agency amongst others.

There were no questions from Members to the Head of Building Control. The Head of Development Management added that the landscape conditions (38 and 39) were being progressed to be signed off and that the issues pertaining to sewage were being progressed with Southern Water and the applicant's consultant Galliford Try.

During public participation, Patrick Davies and Andrew Smith spoke in objection to the recommendations and Mike Capocci spoke in support and answered Members' questions thereon. Mr Davies informed the meeting that he was a Council nominated Trustee of St Johns Winchester Charity.

During public participation, Councillors Burns spoke on this item as a Ward Member.

In summary, Councillor Burns stated that there was growing concern over the discharge of conditions and the conditions should be taken seriously, as they were mandatory. Much of the documentation had been submitted close to the date (for expiry of the Planning Permission) that this was wrong and had led to the threat of legal challenge. In her written representation (Appendix 1 to the Report refers) reference was made to what was wrong in condition 2 as set out on page two of Appendix 3. Points (a) to (d) were applicable to phase one and block D (in the case of (a), (c) and (d)) and it was not therefore an acceptable submission. Condition 3 was not compliant as it had not been changed to reflect changes in building regulations in 2011, 2012 and 2013, and therefore it could not be constructed to meet current building standards. Galliford Try's appointment was not compliant with conditions as there had been no procurement exercise as required under the Development Agreement, which put SW1 in a breach of the contract. In Conditions 16 and 18 (contamination) the schedule was not site compliant – mandatory conditions needed to be satisfied or no phase of development should take place. These were fundamental points and this decision should not be delegated, but should be taken by the Planning Committee as the proposals were not compliant and should be rejected.

In reply to Members' questions, Councillor Burns acknowledged that new issues had been brought forward to Committee that need to be addressed, and that it would be helpful if all issues were in one place. She suggested that Committee should adjourn its consideration rather than delegate it to the officers.

Councillor Gottlieb stated that that he would not speak under public participation, but he would answer Members' questions. In reply to a Member's question, he stated in summary that he had felt it necessary to submit the letter from Dentons (additional Appendix 5 to the Report refers) as the conditions were important. The developer had undertaken site investigation and was ready to go forward, which caused concern as the information submitted was inadequate. The investigation would have been better done in advance and should not be submitted just before Christmas, as this was too short-term. Councillor Burns had written with her concerns, for example on piling, and there were uncertainties to be addressed which had led to the legal letter. A report with robust information was required to sign off the outstanding issues, such as those relating to the aquifers and archaeology.

In conclusion, the Head of Development Management reiterated that all matters were being addressed, including points raised by Councillors, and if there were additional points to address they should be raised with the officers.

The Head of Legal and Democratic Services added that the revised recommendation to Committee to agree the delegation to the Head of Development Management as set out in the resolution below, was in response to a letter from Dentons (as set out in Appendix 5 to the report) and this was to allow the approval of details in compliance by officers of all points within the condition tracker, although some points may take slightly longer than the 9 February 2016 to discharge.

Following debate, the Committee agreed to the resolutions below.

RESOLVED:

1 That progress of the application for approval of details in compliance be noted in accordance with the details and status listed in the condition tracker and Update Sheet (Appendix 2 to the report).

2 That delegated authority be given to the Head of Development Management to determine all remaining matters and to determine the application for approval of details in compliance.

The meeting commenced at 9.30am, adjourned between 1:00pm and 2:00pm and concluded at 6.00pm.

Chairman