

PLANNING DEVELOPMENT CONTROL COMMITTEE

26 October 2006

Attendance:

Councillors:

Jeffs (Chairman) (P)

Baxter (P)

Bennetts

Beveridge (P)

Busher (P)

de Peyer (P)

Evans (P)

Huxstep (P)

Johnston (P)

Read (P)

Ruffell (P)

Saunders (P)

Sutton (P)

Wood (P)

Deputy Members:

Councillor Pearce (Standing Deputy Member for Councillor Bennetts)

Others in attendance who addressed the meeting:

Councillor Beckett

1. **APOLOGIES**

Apologies were received from Councillor Bennetts.

2. **DEVELOPMENT CONTROL APPLICATIONS**

(Report PDC648 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.

Councillor Beveridge declared a personal (but not prejudicial) interest in respect of Item 3 as he was a Member of the City of Winchester Trust which had commented on the application and he spoke and voted thereon.

Councillor Busher declared a personal (but not prejudicial) interest in respect of Item 3 as she was acquainted with the objector to the application who addressed the meeting and she spoke and voted thereon.

Mr J Hearn (Planning Development Control Team Manager) declared a personal and prejudicial interest in respect of Item 3 as he lived near to, and his property had views of, the application site. Mr Hearn explained that he had taken no part in the processing of the application and withdrew from the meeting room during its consideration.

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

Item 1: Land to the Rear of 62-64 Spring Lane, Colden Common – Case Number: 06/02598/FUL

Mr Edwards spoke in opposition to the application and Mr Patrick (agent) spoke in support.

The Director of Development reported that, since publication of the Report, the following correction (shown in italics) should be made to the application description:

Erection of 1 no four bedroom detached dwelling with integral garage, 1 no three bedroom detached dwelling with integral garage and 2 no two bedroom semi-detached dwellings, access and associated landscaping (RE-SUBMISSION)

The Director also requested that an additional condition (Condition 19, regarding drainage as set out in the appendix) be considered by the Committee.

Following debate, the Committee approved the outline application as set out, subject to conditions as set out in the Report and as detailed above.

Item 2: Windy Ridge, Cliff Way, Compton Down – Case Number: 06/01817/FUL

Mrs Stevens (a neighbour) spoke in opposition to the application.

Councillor Beckett (a Ward Member) also spoke in opposition to the application. In summary, he suggested that the Committee should consider the protection of the character of the area as an additional reason for refusal, beyond the highways reason set out in the Report. He stated that the nature of the proposed development, with its long driveway, was out of character and if permitted would make other nearby properties vulnerable to development.

In response to these concerns, the Director of Development stated that, as there were other examples of backland development in the area served by long driveways, it might be difficult to sustain a reason for refusal based upon this in the event of a subsequent appeal. The Committee also considered the contemporary design of the house and the potential for light pollution, given the extent of glazing on the elevations. Members therefore agreed to delegate authority to the Director of Development, in consultation with the Chairman, to draft an additional reason for refusal regarding the impact of the proposals on the character of the area.

In addition to the above, the Director explained that although the applicant was unable to attend the meeting, he had requested that the application be deferred so that he could undertake his own assessment of the highways issues. However, the Director explained that as the recent highways study undertaken by the Council, which was prompted by the nearby development at Keld (Case 06/02110/FUL considered on the 24 August 2006) was robust, the application should continue to be refused on this basis. It was considered that the additional dwelling at Keld should be the last new development in the area, as any further housing development would be prejudicial to highway safety because of increased use of the Hurdle Way and Shepherds Lane junctions with the Otterbourne Road. However, the Windy Ridge application had been submitted to the Council before Keld's and the Director explained that it was not always possible for applications to be considered in strict

chronological order. In response to questions, the City Secretary and Solicitor explained that whilst it was open to the applicant to investigate the process through both the Council's own internal procedures and/or the Local Government Ombudsman, the process itself did not constitute a material planning consideration.

At the conclusion of debate, the Committee agreed to refuse permission for the reasons set out in the Report and delegated authority to the Director of Development, in consultation with the Chairman, to draft the additional reason for refusal regarding the impact of the proposals on the character of the area as agreed by the Committee.

Item 3: Ashburton Court, Tower Street, Winchester – Case Number: 06/02619/HCS

Mr Orange spoke in objection to the application and Mr Parker and Mr Lipscombe (representing the applicant) spoke in support.

The Director of Development reported that, since the publication of the Report, additional comments had been received from the South West Regional Design Panel and amended plans and supporting information had been submitted. In summary, they welcomed the re-development, but suggested that a number of issues be re-considered, including the design of the car park podium elevations, the new pedestrian route between the QE2 building and Ashburton Court, landscaping and the car park.

Two further letters of objection had been received since the publication of the Report and, in summary, these raised concerns regarding the loss of car parking, the new entrance and lay-by on Sussex Street, the noise from fans servicing the restaurant, the relocation of the existing masts on top of the building, landscaping, public access to the site and disturbance during construction. A letter of support from the North Hants Chamber of Commerce had also been received.

The Director also outlined several amendments to the application which had been received after the publication of the Report. In summary, these referred to cladding details (the appearance of the wind troughs and the podium's ventilation grills) treatment of the northeast corner, further reduction in height and the amended Sussex Street entrance. Other amendments included an updated Transport Statement, Framework Travel Plan and Construction Travel Plan.

The Director also set out additional proposed conditions to those in the Report and these related to submission of materials, the travel plan and landscaping.

Following debate, the Committee broadly welcomed the application as a significant improvement upon the existing building and agreed to raise no objection to the application, subject to conditions.

In addition to the conditions set out, the Committee agreed that the County Council should be asked to consider that the proposed vertical rhythm to the façade be carried down to, and replace, the horizontal banding of the car park podium at street level. The Committee was also keen to ensure that the re-development of the site should cause minimum disruption during the construction period; that the materials chosen for the roof should be non-reflective (to minimise its impact from long distance views) and, having regard to the proposed number of bicycle storage spaces, there was a need to provide adequate showers and changing room facilities. The Committee also agreed that a review of the public parking provision in the building be considered as part of the wider Winchester Access Plan.

Item 4: The Bungalow, North Fields, Twyford - Case Number: 06/02619/HCS

Mr Rhodes (agent) spoke in support of the application.

In conclusion, the Committee approved the application as set out, subject to the conditions as detailed in the Report. In addition to these, the Committee delegated authority to the Director of Development, in consultation with the Chairman, to consider an additional condition which would prohibit the occupation of Plot 1, until planning permission relating to the extension and alteration of The Bungalow itself was fully implemented

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 2, planning permission be refused and authority be delegated to the Director of Development, in consultation with the Chairman, to agree an additional reason for refusal regarding the impact of the proposals on the character of the area.

3 That in respect of Item 3, no objection be raised to the proposed development, but the County Council be asked to reconsider the following aspects of the application:

- i) The façade at the street level;
- ii) That disruption should be minimised during the construction period;
- iii) That the materials for the roof should be non-reflective;
- iv) That adequate showers and changing rooms should be provided;
- v) That a review of the public parking provision in the building should be undertaken as part of the wider Winchester Access Plan.

4 That in respect of Item 4, planning permission be granted and authority be delegated to the Director of Development, in consultation with the Chairman, to consider an additional condition to prohibit the occupation of Plot 1, until planning permission for the alterations to The Bungalow had been fully implemented.

3. **MINUTES OF THE PLANNING (TELECOMMUNICATIONS) SUB-COMMITTEE, HELD 11 OCTOBER 2006**
(Report PDC653 refers)

The Committee considered the minutes of the Planning (Telecommunications) Sub-Committee, held on 11 October 2006, which approved a replacement mast and associated works at Teg Down Reservoir, Winchester. **(attached as Appendix A to the minutes)**

RESOLVED:

That the minutes of the Planning (Telecommunications) Sub-Committee, held on 11 October 2006, be received.

4. **PLANNING APPEALS – SUMMARY OF DECISIONS: JULY-SEPTEMBER 2006**
(Report PDC651 refers)

The Director of Development answered detailed questions regarding the Appeal Decisions as set out in the Report.

During discussion, the Committee agreed that the Parish Councils should be provided with a copy of the Report and regular monthly enforcement lists, which had not been issued for some time, as they could help in making their representations as part of the consultation process.

RESOLVED:

That the Report be noted.

5. **REVOCAION OF TREE PRESERVATION ORDER 1883 OF 2006 AND NEW PROVISIONAL ORDER**
(Report PDC652 refers)

Mr Bashford (consultant arboriculturalist) and Ms Ford (agent) spoke in relation to the Tree Preservation Order (TPO) and their comments were considered in their absence during the exempt part of the meeting.

6. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

| <u>Minute Number</u> | <u>Item</u> | <u>Description of Exempt Information</u> |
|----------------------|--|---|
| ## | Revocation of Tree Preservation Order 1883 of 2006 and new provisional order |) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (Para 5 Schedule 12A refers).)) Information which reveals that the authority proposes:) a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or) b) to make an order or direction under any |

enactment. (Para 6
Schedule 12A refers)

7. **REVOCATION OF TREE PRESERVATION ORDER 1883 OF 2006 AND NEW PROVISIONAL ORDER**
(Report PDC652 refers)

RESOLVED:

That, having taken into consideration the representations received, Tree Preservation Order 1883 be revoked and a new provisional order be made.

The meeting commenced at 9.30am and concluded at 2.00pm.

Chairman

PLANNING DEVELOPMENT CONTROL (TELECOMMUNICATIONS) SUB-COMMITTEE

11 October 2006

Attendance:

Councillors:

Read (Chairman) (P)

Huxstep (P)

Jefferies (P)

Saunders (P)

Sutton (P)

Others in attendance:

Councillors Bennetts and Pearce (Ward Members for St Pauls)

Officers in attendance:

Mr T Patchell (Senior Planning Officer)

Mr B Lynds (Principal Legal Officer)

1. **REPLACE EXISTING 15 METRE HIGH TELECOMMUNICATIONS MAST WITH 20 METRE HIGH MONOPOLE AND ASSOCIATED WORKS – TEG DOWN RESERVOIR, SARUM ROAD, WINCHESTER – REF 06/02646/FUL**
(Report PDC650 refers)

The Sub-Committee met adjacent to Teg Down Reservoir, Sarum Road, Winchester.

The site was a covered reservoir with two existing masts close to Sarum Road and a 15 metre high mast (which was to be replaced by this application) situated towards the rear of the site in the north west corner. To the west of the site (and adjacent to the existing 15 metre high mast) was a substantial belt of trees with Sarum Road Hospital beyond. Immediately to the east of the reservoir was a cleared site on Chilbolton Avenue for proposed residential redevelopment and with other residential properties beyond.

The Chairman welcomed to the meeting Ms Marsden from AWA (representing the applicant "3"). Also present were four members of the public.

Mr Patchell explained that a full planning application had been received from Hutchinson 3g to replace an existing 15 metre high telecommunications mast with a 20 metre high monopole and associated works. Mr Patchell reminded Members that the applicant had permission for a replacement 20 metre high mast approximately 4 metres to the north of the current application site. This permission had yet to be implemented. He explained that should the existing permission be implemented it would require that the adjacent trees were cut back. Mr Patchell confirmed that the existing 15 metre high mast would be removed if permission were granted.

Councillor Pearce queried as to why the coverage provided by the existing 15 metre high mast had been found insufficient only after its construction. Councillor Bennetts

requested clarification of the coverage area to be provided and whether schools in the locality had been consulted regarding the new application.

At the invitation of the Chairman, Ms Marsden responded to questions. She confirmed that the proposal, in comparison to the current mast or the mast for which permission had already been granted, would not have a greater intensity of signal but that the additional five metres was required to improve the required coverage. During discussion, Members agreed that an additional condition be added to any subsequent approval of the application to specify that the configuration of the antennae should be exactly the same as those on the existing 15 metre structure.

Referring to the matters raised by Ward Members, Ms Marsden advised that there had not been extensive consultation with schools as it had been considered that the principle of the location, height and bearing had been already established by the previous application. Furthermore, the proposed monopole would be the same design and materials, although may be slightly wider towards the base to accommodate the additional height and was likely to utilise the existing concrete plinth. Referring to the queries regarding the deficiencies of existing coverage (that had not been apparent before the mast was implemented) Ms Marsden reported that, generally, only estimates could be provided prior to an actual signal being switched on. In this case, it only then become apparent that the 100% coverage previously predicted could not be met by a 15 metre high structure.

At the invitation of the Chairman, Mrs Barrett addressed the Sub-Committee. In summary, she was critical of the Council's consultation procedure regarding the proposals. She suggested that this had been based on that previously undertaken two years ago for the 20 metre structure. Mrs Barrett added that due to nearby demolition and development; the application site had significantly changed from when the previous application had been approved two years ago. Furthermore, with regard to health concerns, as residential development in the area was now more intensive than it was at the time of the previous application, the careful siting of the mast was particularly important.

Mrs Barrett also referred to administrative errors regarding the placing of site notices and the issuing, in error, of a decision notice regarding the application in advance of its determination. This had subsequently appeared on the Council's website.

Responding to some of the comments raised, Mr Patchell apologised for some of the administrative problems experienced with this application. He also clarified that neighbour consultation was based on an Ordnance Survey GIS database that was unable to present up to date information regarding recent new developments. Referring to the error regarding the issuing of the decision notice, he confirmed that contact was made with the applicant quickly who had agreed to disregard the decision notice, accepting that it had been issued in error.

At the invitation of the Chairman, Mrs St Ledger-Davey addressed the Sub-Committee and reiterated some of Mrs Barrett's concerns. In summary, she was concerned that additional representation to the proposals may have been made had the decision notice not appeared on the Council's website. Mrs St Ledger-Davey also reported that recent demolitions in Chilbolton Avenue (where she lived) now allowed a clear view of the site and that this might have altered the strength of signal in the immediate vicinity.

At the request of the Chairman, Mr Lynds clarified that there was a legal requirement that notice be provided consistent with statute, generally by posting of site notices. The Council had complied with such statutory requirements. The consultation

process was recommended by the Secretary of State and as such constituted guidance for planning authorities in the conduct of such applications. The Council had discretion in following such guidance. Mr Lynds reminded Members that the existing permission for a 20 metre mast could still be implemented, and so this, as the 'fall-back permission', was a material planning consideration, which the Members were bound to consider.

At the conclusion of the meeting, the majority of Members agreed to support the officer's recommendation to approve the application, as there would be no additional or detrimental material impact to the amenities of the area. Furthermore, a previously approved application for a replacement 20 metre high mast would have harmed the well-being of adjacent trees. The Chairman advised that planning permission was subject to an additional condition to those listed in the Report, in that the configuration of the antennae should be exactly the same as those on the existing 15 metre structure. The Chairman also advised that he would personally request clarification of the Council's adopted consultation procedures from the Director of Development in light of the concerns raised at the meeting.

RESOLVED:

That permission be granted subject to conditions:

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 mast hereby permitted shall be wood clad, and the antennae painted a non reflective colour.

Reason: in the interests of visual amenity.

3. The mast hereby permitted should have the same configuration of the antennae as that on the existing 15 metre structure on site

Reason: in the interests of visual amenity

4. The development hereby approved shall not commence until a methodology statement detailing how the mast will be lowered onto the site without adversely affecting the adjacent trees and detailing any work to those trees has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved statement.

Reason: in the interests of protecting the long term health of the trees and protecting the amenities of the area.

Informatives

01. 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.

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

Hampshire County Structure Plan Review: UB3 and TC1

Winchester District Local Plan Review Proposals: DP.3 and DP.14

The meeting commenced at 9.30am and concluded at 10.40am

Chairman