

**PLANNING DEVELOPMENT CONTROL COMMITTEE**

**21 April 2004**

---

1411. **CHESTNUT VIEW, RIVERSDOWN ROAD, WEST MEON**

(Report PDC412 refers)

In the public participation part of the meeting, Mr Hampshire commented on the problems he had experienced with regards to the application site.

In answer to Members' questions, the Director of Development Services stated that the Council's Enforcement Officer had explained the current situation to West Meon Parish Council. He added that it was a condition of the application that the mobile home on site would be removed and the stables would be vacated. The applicant had indicated their acceptance of this condition. He added that should the necessary legal agreement not be completed within six months then the application would come back to Committee for further consideration.

It was also noted that there was a potential nuisance from the burning of waste material on the site and it was agreed that this be brought to the attention of the Council's Environmental Health Department to take necessary corrective action.

RESOLVED:

That provided the applicant enters into a legal agreement then planning permission be granted subject to conditions, to allow a variation to planning permission 01/01322/FUL, to add a single storey side extension and a change of materials, and that the burning of waste on site be brought to the attention of the Council's Environmental Health Section.

1412. **WEEKE MANOR LODGE, MALMESBURY GARDENS, WINCHESTER (RED CROSS SITE, WEEKE)**

(Report PDC407 refers)

Councillor Davies declared a personal (but not prejudicial) interest in respect of this item, as he was a member of the City of Winchester Trust, which had commented on the application, and he spoke and voted thereon.

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

In introducing the report the Director of Development Services detailed amendments to the scheme that had taken place since the Planning Development Control (Red Cross Site, Weeke) Sub-Committee had visited the site on the 25 February 2004. He drew the Committee's attention to the split recommendation in that the planning application was recommended to be granted but the listed building application was recommended to be refused.

The Council's Conservation Officer explained in detail to the Committee the reasons why he was recommending that listed building consent be refused and copies of letters received from English Heritage dated the 30 March 2004 and the 5 April 2004

were circulated at the meeting for information. The Conservation Officer highlighted that English Heritage had concerns about the internal layout and the treatment of the chimneys.

In the public participation part of the meeting Mr H Thomas, Architect, spoke in support of the application and also the granting of listed building consent. He detailed steps that the applicant was taking to preserve the integrity of the listed building and he also circulated to Members for information a letter prepared by Mr M Carden, MBE, AADIP, RIBA which although it was an independent opinion, supported the applicant's case.

In reply to further questions, the Director of Development Services clarified that a further response from English Heritage was awaited following further amendments to the scheme by the applicant.

In conclusion the Committee agreed to grant planning permission but defer consideration of listed building consent until further negotiation had taken place between the Council's Officers and the applicant. In granting planning permission it was also agreed that a Grampian type condition be imposed that the gates to the entrance of Malmesbury Place be removed from the scheme prior to planning permission being granted.

**RESOLVED:**

1. That subject to the applicant entering into a legal agreement with Hampshire County Council and Winchester City Council as set out in the report and to the conditions listed, including a Grampian type condition that requires removal of the gates on the entrance of Malmesbury Place from the scheme, then planning permission be granted.

2. That consideration of providing listed building consent be deferred for further negotiation between the applicant and the Director of Development Services.

1413. **PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**  
(Report PDC414 refers)

The Committee noted that this item had not been notified for inclusion on the agenda within the statutory deadline. The Chairman agreed to accept the item on to the agenda, as a matter requiring urgent consideration because of the need to consider the planning applications considered by the Planning Development Control (Viewing) Sub-Committee at its meeting held on the 19 April 2004.

The Committee considered the minutes of the meeting of the Planning Development Control (Viewing) Sub-Committee held on the 19 April 2004 – minutes referring to the Frying Fish, 23 West Street, New Alresford and Field opposite Three Maids Hill, Andover Road North, Winchester – temporary five year change of use from agriculture to motor cross (attached as Appendix A to the Minutes).

The Chairman explained that in respect of the Three Maids Hill Motor Cross application, a number of members of the public had indicated that they had wished to speak at the Viewing Sub-Committee meeting but had been unable to make their views known to the Sub-Committee on site. The Chairman had therefore allowed additional public participation at this Committee meeting.

In the public participation part of the meeting Mr Reeves spoke against the application. The applicant and his representative were present at the meeting but chose not to respond to Mr Reeve's comments.

At the invitation of the Chairman, Councillor Learney, a Ward Member from the neighbouring Littleton and Harestock Ward spoke on this item. In summary she stated that there was local concern at the noise to be generated by the motor cross use and issues on safe access. She stated that if the Committee was minded to approve the application then consideration might be given to restricting the number of weekdays and weekends that motor cross use could be undertaken and also to restrict the number of vehicles that could attend. Such measures would potentially reduce the impact on near by villages.

Also at the invitation of the Chairman, Councillor Lipscomb, a Ward Member for the neighbouring Wonston and Micheldever Ward spoke on this item. In summary he stated that the Sub-Committee's decision had been taken before Members had exited the site and the inadequacy of the exit had not therefore been recorded within the minutes of the Sub-Committee meeting. He added that the exit was very dangerous and a previous application at a nearby site had been refused because of the inadequacy of its access. He also expressed concern at the potential for noise disturbance, the need for landscaping and the potential for material to be deposited on the road from vehicles and trailers accessing the site. He suggested that the exit be used as left turn only.

In response to the comments made, the Director of Development Services explained that the access exceeded the necessary distance for visibility splays and that traffic movements were also within capacity.

Following debate about the impact to neighbours from the proposed use, it was agreed to amend the last paragraph of condition 4 to read that: "in addition between 1 March and 31 October usage shall be restricted to the maximum of one Saturday and one Sunday per month and shall not involve usage on consecutive days, and that no more than 40 riders be allowed on the adult tracks at any one time".

The application in respect of the Frying Fish, 23 West Street, New Alresford was agreed as set out.

RESOLVED:

1. That the application in respect of the Frying Fish, 23 West Street, New Alresford be approved and adopted, and;
2. That the application in respect of field opposite Three Maids Hill, Andover Road North, Winchester – temporary five year change of use from agriculture to Motor Cross be approved and adopted as set out subject to condition 4 being amended as set out above.

1414. **DEVELOPMENT CONTROL APPLICATIONS**  
(Report PDC410 refers)

The schedule of development control decisions arising from 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 7, as he was a member of the City of Winchester Trust, which had commented on the application, and he spoke and voted thereon.

Councillor Davies declared a personal (but not prejudicial) interest in respect of item 7, as he was a member of the City of Winchester Trust, which had commented on the application, and he spoke and voted thereon.

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

In respect of item 7 – The Corner, 2 Berewecke Road, Winchester Mr Johnson and County Councillor Dickens spoke against the application and Mr Attfield spoke in support. At the invitation of the Chairman, a Ward Member, Councillor Porter spoke on this item. In summary she stated that a number of issues required clarification including soakaways on the site, a tree impact study, the use of the layby close to the junction of Westgate and the detail of the plans. In response, the Director of Development Services explained the use of the layby and added that the Developer was contributing £20,000 towards pavement and highway improvements. He continued that the maintenance of trees on the site would be paramount and that the soakaways would be tested to building regulation standards before consent was given to discharge. It was noted that the level of detail of the plans was an important element. Following debate, the Committee agreed to approve the application subject to section 106 and 278 agreements being entered into by the applicant.

In respect of item 8 – Old School House, Longwood Dean, Owslebury, Mr Lintott spoke in support of the application. At the invitation of the Chairman, a Ward Member, Councillor Verney spoke on this item. In summary he stated that the applicant's proposals would improve the safety of the entrance from a busy road and that the applicant would be willing to replace the lost hedgerow that would be necessary to secure the sight line improvements at the entrance. Following consideration, the Committee agreed to support the Officers recommendation for refusal as set out.

In respect of items not subject to public participation, at the invitation of the Chairman, Councillor Allgood, a Ward Member, spoke in respect of item 5 – Land to the rear of Long Acre, Hambledon Road, Denmead. In summary he stated that since this application was previously discussed at Committee the applicant had undertaken changes including the paddock being moved towards the stables. He added that he now wished that spoil be removed from the site to improve its appearance. He informed the Committee that there were other applications of a similar type pending that would lead to the piece meal sub division of the area. The Committee noted Councillor Allgood's comments and certain Members expressed concern at the potential for sub division of the area into paddocks. The Chairman informed the Committee that she had been meeting with the Officers to seek further guidance on horse related applications.

In respect of item 6 – Land adjacent to No 2 Haig Road, Alresford, at the invitation of the Chairman Councillor Cook, a Ward Member, spoke on this application. In summary Councillor Cook informed the meeting that the neighbour living at Marletts, had expressed concern at the new application which brought the application property closer to Marletts' boundary and now contained windows that could cause over looking. Following further consideration, and taking into account the points raised, the Committee agreed to approve the application as set out.

**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.

The meeting commenced at 2.00pm and concluded at 7.30pm

Chairman

**PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**

**19 April 2004**

Attendance:

Councillors:

Busher (Chairman) (P)

Bennetts (P)

Johnston (P)

Mitchell (P)

Tait (P)

Others in attendance:

Councillor Bailey (for Minute 1415 only)

Councillor Cook (for Minute 1416 only)

Councillor de Peyer (for Minutes 1415, 1416 and 1417)

Councillor Hutton (for Minute 1417 only)

Councillors Lipscomb and Wright (for Minute 1417 only)

Officers in attendance:

Mrs S Proudlock (Principal Planning Officer) for Minute 1415 only

Ms J Pinnock (Senior Planner) for Minute 1415 only

Ms S Hayes (Environmental Health Officer) for Minute 1415 only

Ms A Fettes (Senior Planner) for Minute 1416 only

Mr P Eggleton (Principal Planning Officer) for Minute 1417 only

Mr N Culhane (Engineer) for Minute 1417 only

Mrs S Blazdell (Environmental Health Manager) for Minute 1417 only

Mr P Tidridge (Scientific Officer) for Minute 1417 only

---

1415. **BALLAKITCH, HIGHWAYS ROAD, COMPTON, WINCHESTER – AMENDED DESCRIPTION, RESIDENTIAL DEVELOPMENT INCLUDING PARKING AND NEW ACCESS (OUTLINE APPLICATION)**

The Sub-Committee met at the application site where the Chairman welcomed to the meeting County Councillor Bailey (the site came within the Downlands County Electoral Division), the applicants (Mr and Mrs Pitt), their agent (Mr Blunden), Mrs Millar (Compton and Shawford Parish Council), and approximately 10 local residents.

Ms Pinnock explained that two applications had been considered at Planning Development Control Committee at its meeting on 1 April 2004 (PDC404 refers). One application sought outline planning permission for residential development in the rear gardens of “Merries” and the neighbouring property, “Ballakitch” Highways Road, with vehicular access to be provided through the centre of the site. The other application concerned the proposed demolition of the existing 1960s single storey residential building at Ballakitch.

Ms Pinnock confirmed that the current application was for an outline permission and to approve the proposed access only and had not therefore given an indication the number of proposed dwellings. The Sub-Committee noted that originally the application proposed 15 dwellings, but this had been amended with the number of dwellings to be considered by a reserved matters application. Ms Pinnock clarified that at sites within the settlement boundary of Compton and Shawford, the current Local Plan required on-site affordable housing at developments over 5 units and not over 15 as contained in the original report.

The Sub-Committee noted that the County Highways Engineer had not objected to the proposals, subject to a condition that Highways Road be improved from a gravel track to an adoptable standard. It was noted that although the Highways Authority would maintain the improved road, the road's ownership would remain private.

Ballakitch was located adjacent to the southbound M3 motorway. Ms Hayes explained that noise readings were conducted at bedroom level in fine weather, day and night, between Thursday 4 and Saturday 6 September 2003. The readings gave a noise level of between 63 and 66 dB (A) and, in compliance with Planning Policy Guidance Note 24, the site was deemed to be in Category C, but that as a result of the acoustic measures this would be reduced to Category B, which allowed development. However, Ms Hayes recommended a condition to install acoustic glazing and to erect a 2.5 metre acoustic fence by the side of the motorway. It was noted that the fence should reduce the noise in the gardens to 51-57 db(A).

Ms Pinnock reported that Southern Water had withdrawn their objections as it was now proposed that surface water would not be drained into the foul water sewers but into soakaways. However, the Sub-Committee noted that the details of the soakaways had yet to be confirmed and that Southern Water were unable to upgrade the sewers until 2010 and that existing soakaways in the area had created a problem with insects. Concerns were also raised regarding the drainage from the proposed resurfaced Highways Road.

Ms Pinnock added that nine letters of objection had been received from local residents in addition to the objection of the Parish Council and that these representations had commented on highway safety, the character of the area, overflow parking, overlooking, noise and the potential density of the development.

At the conclusion of her presentation, Ms Pinnock recommended that the application be approved, subject to conditions, as the site was within the settlement boundary and because the development would be largely screened from public views.

At the invitation of the Chairman, Mr Pitt spoke in support of his application and explained the planning history of the sites and the Sub-Committee viewed the rear gardens of both properties.

At the invitation of the Chairman, Councillor Bailey (as a Ward Member) commented on the need to retain the hedgerows for both aesthetic and acoustic purposes and that the acoustic fence should be carefully designed so as not to produce an echo and worsen noise levels for other residents. In response, the Sub-Committee recommended that the ownership of the western hedgerow near the M3 be confirmed by the next meeting of Planning Development Control Committee and Mr Blunden confirmed that it was the applicants' intention that no hedges would be removed.

In response to the comments concerning the trees and hedgerows, the Sub-Committee agreed that the Arboricultural Officer be requested to visit the site as soon as possible to consider the possibility of placing a Tree Preservation Order (TPO).

At the invitation of the Chairman, County Councillor Bailey spoke of the potential problems of traffic egress from the site along Highways Road and onto Otterbourne Road. She also suggested that the proposed acoustic fences should be higher and curved at the top. County Councillor Bailey recommended that the access road into the development should be located adjacent to the motorway and thereby move the gardens into a potentially quieter part of the development. Following debate, the Sub-Committee agreed to recommend that this be further investigated.

At the invitation of the Chairman, Mrs Millar spoke on behalf of the Parish Council against the application. She (along with other members of the public present) spoke of the difficulty of determining the application without knowing the number dwellings proposed and density of the development. Mrs Proudlock explained that these details would be dealt with by a further application, which at Members' request, would be considered at Committee.

Also at the invitation of the Chairman, a number of local residents spoke in opposition to the application and added that it would be detrimental to the character of the area.

In conclusion, the Sub-Committee noted the concerns of the local residents but agreed to recommend that the applications be approved, but that consideration of the access be removed from this application and be considered when any detailed application is submitted, subject to the conditions as set out in the report. It was also recommended that the Arboricultural Officer be invited to consider a possible TPO on the site.

#### RECOMMENDED:

That Planning Permission be granted, subject to the applicant entering into a Section 106/Section 278 Legal Agreement and the condition listed below:-

1. A financial contribution towards highway improvements
2. The provision 30% affordable housing
3. A financial contribution towards the provision of public open space through the open space funding system

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

#### 1 Conditions/Reasons

01 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990.

02 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.



Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990.

03 Plans and particulars showing the detailed proposals for all the following aspects of the development (hereinafter called "the reserved and other matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) is/are occupied.

Reserved and other Matters:

- (a) The layout including the positions and widths of roads and footpaths.
- (b) The siting of all buildings and the means of access thereto from an existing or proposed highway, including the layout, construction and sightlines.
- (c) The design of all buildings, plant and tanks, including the colour and texture of external materials to be used together with samples of all external facing and roofing materials.
- (d) The details of materials/treatment to be used for hard surfacing.
- (e) The layout of foul sewers and surface water drains.
- (f) The manner of treatment of any existing water courses and ditches.
- (g) The provision to be made for the parking, turning, loading and unloading of vehicles.
- (h) The alignment, height and materials of all walls and fences and other means of enclosure.
- (i) The provision to be made for the storage and disposal of refuse.
- (j) The finished levels, above ordnance datum, of the ground floor of the proposed building(s), and their relationship to the levels of any existing adjoining buildings.
- (k) Details of the siting, external appearance and materials to be used for any statutory undertakers or service providers equipment such as electricity sub- stations, gas governors, telecommunication cabinets.
- (l) The provision to be made for street lighting.
- (m) The provision to be made for contractors vehicles parking and plant, storage of building materials and any excavated materials, huts and all working areas.
- (n) The proposed phasing of the development.
- (o) Access facilities for the disabled.
- (p) Alterations to the external appearance of the existing buildings.

- (q) Landscape considerations including:
- (i) an accurate plan showing the position, type and spread of all the trees on the site and a schedule detailing the size and physical condition of each tree and, where appropriate, the steps to be taken to bring each tree to a satisfactory condition; and also details of any proposals for the felling, pruning, trimming or uprooting of any trees;
  - (ii) a landscape scheme showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and the finished levels in relation to existing levels;
  - (iii) the arrangements to be made for the future maintenance of landscaped and other open areas.
  - (iv) the provision of a tree impact assessment and a method statement including protective fencing measures

Reason: To comply with the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order).

04 Details of a scheme for protecting the proposed dwellings from noise from the road traffic shall be submitted to and approved by the Local Planning Authority in writing before the development commences. Any works which form part of the approved scheme shall be completed before any dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To ensure that acceptable noise levels within the dwelling and the curtilage of the dwelling are not exceeded.

05 During construction, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution to the water environment.

06 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment.

07 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

08 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

Reason: In the interests of highway safety.

09 Details of the width, alignment, gradient and type of construction proposed for the roads and footways and accesses including all relevant horizontal cross-sections and longitudinal sections showing the existing and proposed levels together with the details of street lighting and the method of disposing of surface water, and details of a programme for the making up of the roads and footways shall be submitted to and approved in writing by the Local Planning Authority before development commences. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure that the roads are constructed to a standard which will enable them to be taken over as a publicly repairable highway.

10 The roads and footways shall be laid out and made up in accordance with the specification, programme and details to be approved by the Local Planning Authority. No dwelling erected on the land shall be occupied until there is a direct connection from it completed to the approved specification less the final carriageway and footway surfacing to an existing highway.

Reason: To ensure that the roads and footways are constructed to a satisfactory standard.

11 Details of the acoustic fence proposed along the western boundary shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be completed before any dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority. Such noise protection measures shall thereafter be retained in accordance with the approved scheme.

Reason: To ensure that acceptable noise levels within the curtilage of the dwellings are not exceeded.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D or E of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the locality and to maintain a good quality environment.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A of Part 2 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the locality and to maintain a good quality environment.

### **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 54A of the Town and Country Planning Act 1990 (as amended), 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, T2, T6, H5, H7, H8, R2

Winchester District Local Plan Proposals: EN.1, EN.5, EN.9, EN.13, EN.15, H.1, H.5, H.7, RT.3, T.9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP.1, DP.3, DP.6, DP.14, H.1, H.2, H.5, H.7, T.3, T.4, RT.3

03. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800hrs 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.

04. 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.

05. Under the terms of the Water Resources Act 1991, the prior agreement of the Agency is required for discharging dewatering water from any excavation or development to a surface watercourse.

1416. **THE FRYING FISH, 23 WEST STREET, NEW ALRESFORD – DEMOLITION OF SINGLE STOREY REAR EXTENSION AND REPLACE WITH TWO STOREY REAR EXTENSION TO PROVIDE AN ADDITIONAL ONE BEDROOM FLAT**

The Sub-Committee met at the application site where the Chairman welcomed to the meeting the agent, Mr Rogers, Mr Atkins of Alresford Town Council and five local residents.

Ms Fettes explained that the applications had been considered at the Planning Development Control Committee meeting on 31 March 2004 (Report PDC403 refers).

The applications sought permission to erect a two storey extension to the rear of the Frying Fish, 23 West Street, Alresford which was a Grade 2 listed building in the Conservation Area. The existing rear extensions would be demolished and replaced with a double gabled building that would be 60cm lower than the main building's ridgeline. She explained that the Conservation Officer had not objected to the scheme as it presented an opportunity to improve the appearance of the rear of the building and to hide, through the erection of brick chimneys, the flues associated with the take-away restaurant, the Frying Fish.

In conclusion, Ms Fettes recommended that, on balance the applications should be approved (subject to conditions, such as those relating to the detailing) in the light of the Conservation Officer's comments and the advantages of created by an additional small dwelling. However, she acknowledged that there were issues relating to loss of amenity, light and privacy to neighbouring properties.

Mr Rogers spoke in support of the application and stated that the proposals were a response to improvements to the take-away that were requested by Environmental Health Inspectors. Members also noted the advantages of the additional first floor flat that formed part of the application.

The Sub-Committee considered the extension's likely impact on the rear garden of the neighbouring 27 West Street. The owner, Mr Long, stated that although the extension would be stepped in by 70cm from the existing extension wall, the increased height of this new elevation would reduce the amount light in both his garden and house. Members noted that this would be particularly noticeable in the early morning.

At the invitation of the Chairman, Councillor Cook (as a Ward Member) spoke against the application. In addition to the concerns raised by the owners of neighbouring properties, Councillor Cook suggested that compact nature of the site required a better thought-out design that would result in less loss of light. He also stated that his opposition to the application was shared by the other Ward Members.

At the invitation of the Chairman, Mr Atkins, who represented Alresford Town Council, also spoke against the application. Amongst the issues Mr Atkins raised, he highlighted that none of the other immediately adjacent properties on West Street extended as far back as the Frying Fish.

Members heard concerns relating to the disruption and health and safety issues that would be caused in such a compact area during the construction of the extensions and Mr Rogers commented that this would form part of the Building Control Regulations, if planning permission were to be granted.

Members discussed the problem of overlooking from the extension and it was confirmed that the only windows proposed in the application were to the rear of the gables. However, the Sub-Committee noted a letter from the applicant to Mr Long of 27 West Street which considered re-opening side windows onto his garden and Members recommended that this issue be further investigated.

With the owner's permission, the Sub-Committee considered the effects of overlooking and loss of light from the garden of 1a and 2a Granary Yard that was a distance of 8 metres from the rear of the extensions. The owner, Mr Attfield, added that consideration should be given to storage of wheelie-bins because of the narrowness of Lawrence Wright Passage that served these buildings. Although Mr Attfield noted that the Committee had recommended the use of louvres to reduce the

effects of overlooking, he explained that the compact layout of the site prohibited screening.

At the conclusion of the debate, the majority of the Sub-Committee agreed to recommend that the application be refused because of unacceptable loss of amenity to the neighbouring properties in terms of loss of light, overlooking, and the massing of the side extension viewed from 27 West Street.

**RECOMMENDED:**

That Planning Permission be refused due to the loss of amenities and light to the adjoining property, potential overlooking of the properties to the rear, and the overall height and massing of the scheme.

The proposal is contrary to policies UB3 and E16 of the Hampshire County Structure Plan, proposals EN5, HG7, HG19, HG20 and HG22 of the Winchester District Local Plan and proposals DP3, HE4, HE5, HE13 and HE14 of the Winchester District Local Plan Review and Revised Deposit in that it would:

- a) by reason of its height and massing, result in an unacceptable loss of amenity and light to the adjoining property;
- b) result in the overlooking of the property to the rear.

**1417. FIELD OPPOSITE THREE MAIDS HILL, ANDOVER ROAD NORTH, WINCHESTER – TEMPORARY FIVE YEAR CHANGE OF USE FROM AGRICULTURE TO MOTORCROSS**

The Sub-Committee met at the application site where the Chairman welcomed to the meeting the agent, Ms Maclean, and the applicants Mr Brown and Mr Child, along with approximately 10 members of the public.

Mr Eggleton explained that the application had been considered at the meeting of the Planning Development Control Committee held on 31 March 2004 (report PDC403 refers). The application sought a temporary five-year change of use from agriculture to a motorcross track. He explained that all the hedgerows and trees on the site would be retained and that a 5 metre bund would be erected around both the adult and child tracks to reduce the level of noise emitting from the site. He added that the bunds had been approved in consultation with the Landscape Officer. Mr Eggleton explained that the policies of the current Local Plan encouraged recreational use of agriculture sites (subject to conditions) and recommended that the application be approved.

At the invitation of the Chairman, a member of the public questioned the noise study that had been conducted and explained that the proposals were likely to disturb local residents. However, Mr Tidridge and Mrs Blazdell confirmed that the noise tests had been thoroughly conducted and had lead them to conclude that, with the proposed bunds, the application could not be refused on the grounds of the noise nuisance it was likely to generate. During the debate, Members noted that a condition had been recommended to ban the installation of a public address system as it was noted that marshals communicated with each other via radios. The Sub-Committee also noted that it had not been possible for the motorbikes to be running during Members' visit.

In response to concerns, Mr Culhane explained that the ingress from Downs Farm Lane had spare capacity to adequately deal with the likely traffic generated on the site and that the egress onto Christmas Hill met the visibility requirements. He therefore recommended that, in traffic engineering terms, an objection to the application was not sustainable.

It was noted that a change to the law was likely to ban off-road motorbiking along Green Lanes, as was already the case with footpaths and bridleways. Mr Brown, the site owner, explained that in consultation with the County's Rights of Way Officer, a pathway onto the site would be made inaccessible to motorbikes and that anyone caught riding on this footpath would be banned from using the track. However, Members noted that most competitors would trailer their bikes to events.

In response to a Member's question, Mr Child explained that the bikes would be pushed to the paddock area and that the only buildings proposed for the site were portable loos and a portacabin for the event organisers, with an occasional visit from a refreshment stall. Mr Child also explained that the track would be used predominately by local riders, as 460 of the 500 letters of support submitted with the application lived in Hampshire.

The Sub-Committee discussed the conditions that stipulated the usages of the track and noted that 15 race meetings recognised by the Auto-Cycle Union would be held at the track per year. These were restricted to one Saturday and one Sunday per month during the summer, which could not follow on consecutive days, and that one weekend a month would be free from racing. However, the Sub-Committee noted that aside from Mondays when the track would not be used, there was a potential use from 10am to 4pm every week day to host corporate events. However, Ms Mclean clarified that because of poor weather conditions and lack of demand such a high level of use was unlikely. Members also noted that, although Wednesdays could be used as a race practice day, the corporate events would use quieter bikes and that there would be a maximum of 20 bikes on track at one time.

At the invitation of the Chairman, Councillor Wright raised concerns regarding the health and safety of the riders as the field contained flint stone. However, Mr Brown proposed to regularly plough up the top 6-8 inches of the track to remove these stones. Mr Child also confirmed that the practice and race sessions would be run in accordance with the Auto-Cycle Union's safety regulations and would be fully supervised by medics and marshals.

In response to concerns of dust from the track drifting over the A34, Mr Brown confirmed that the track would be watered and that this formed part of the conditions.

At the invitation of the Chairman, Councillor Lipscomb spoke in opposition to the application and underlined the residents' concerns in regard to noise, access, and the likely spreading of mud on the road outside the track. He also commented that Councillor Learney and Councillor Steel (as a Ward Member) and South Wonston Parish Council had also objected to the proposal. Whilst the Sub-Committee noted that it was an offence to dirty the carriageway, Mr Brown explained that the one-way access track around the site would be replaced by hard surfacing and that the sport attracted few spectators.

At the invitation of the Chairman, several Members of the public spoke against the application and Members noted that there was an existing motorcross track at Popham.

However, at the conclusion of the debate, Members agreed to recommend that the application be approved. They considered that the lower geography of the application site (over a site on the western side of the A34 which had been informally used by bikers) and the bunds would restrict the level of noise, so as not to significantly effect the amenities of residents in the surrounding villages.

RECOMMENDED:

That planning permission be approved subject to conditions

Conditions/Reasons

The permission hereby granted shall be for a limited period expiring on 1 April 2009, before that date the use shall cease and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

01 In order that the impact of the use can be monitored and reviewed to safeguard the amenities of the area.

02 No sound amplifying equipment shall be utilised as a public address system on the site without the prior written consent of the Local Planning authority.

02 To protect the amenities of the occupiers of nearby properties.

03 No motorised vehicles shall be used on site on Mondays or recognised public bank holidays without the prior written consent of the Local Planning Authority.

03 To protect the amenities of the occupiers of nearby properties.

04 Motorised vehicles shall only be used on the site during the following hours.

TUESDAY	10am to 4pm
WEDNESDAY	10am to 4pm between 1 October to 31 March 10am to 7pm between 1 April to 30 September
THURSDAY	10am to 4pm
FRIDAY	10am to 4pm
SATURDAY	10am to 4pm
SUNDAY	10am to 4pm

In addition between 1 April to 30 September usage shall be restricted to a maximum of one Saturday and one Sunday per month and shall not involve usage on consecutive days.

04 To protect the amenities of the occupiers of nearby properties.

05 Only one adult track shall be used at anytime.

05 To protect the amenities of the occupiers of nearby properties.

06 There shall be a maximum of 15 race meets at the site in any 12 month period and these shall only take place on Saturdays or Sundays. A race meet



shall include any event recognised by the Auto-Cycle Union (ACU) or its recognised replacement. A yearly programme of proposed race meets shall be submitted to the planning authority in writing before the first proposed date detailed on such a programme.

06 To protect the amenities of the occupiers of nearby properties.

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

07 To protect the amenities of the occupiers of nearby properties.

08 Details of the means of dust suppression from the tracks shall be submitted to and approved in writing by the Local Planning Authority and shall be installed before the use hereby permitted is commenced, and thereafter maintained and operated in accordance with the approved details.

08 To protect the amenities of the occupiers of nearby properties.

09 No development shall take place until a scheme for limiting the transmission of noise off the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme, including the completion of the earth bunds, shall be installed before the use hereby permitted is commenced, and thereafter maintained and operated in accordance with the approved details.

09 To protect the amenities of the occupiers of nearby properties.

10 The use of the site shall not commence until works to improve the junction of Down Farm Lane with the Three Maids Hill roundabout have been completed to the satisfaction of the planning authority.

10 In the interests of highway safety.

11 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

12 No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

12 Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

### **Informatives**

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

Hampshire County Structure Plan Review: C1, C2

Winchester District Local Plan C.1, C.2, C.12, C.24, EN.5, EN.7, EN.14, EN.15, RT.4, RT.10, T.9, T.10

Winchester District Local Plan Review Deposit and Revised Deposit: DP.14, C.1, C.6, C.15, C.27, RT.7, RT.12, T.3

02. 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 54A of the Town and Country Planning Act 1990 ( as amended), planning permission should therefore be granted.

The meeting commenced at 9.30am and concluded at 1.25pm

Chairman