

**PLANNING DEVELOPMENT CONTROL COMMITTEE**

**20 February 2008**

Attendance:

Councillors:

Jeffer (Chairman) (P)

Baxter (P)  
Busher (P)  
Evans (P)  
Huxstep (P)  
Johnston (P)

Lipscomb (P)  
Pearce (P)  
Ruffell (P)  
Saunders (P)  
Sutton (P)

Others in attendance who addressed the meeting:

Councillors Cook, Fall, and Verney

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 31 January 2008 be approved and adopted.

2. **DEVELOPMENT CONTROL SCHEDULE**

[\(Report PDC735 refers\)](#)

The Schedule of Development Control Decisions arising from the consideration of the above Report was circulated separately and forms an appendix to the minutes.

Councillor Busher declared a personal (but not prejudicial) interest in respect of Item 3, as she was acquainted with one of the objectors and spoke and voted thereon.

The Chairman (Councillor Jeffer) declared a personal (but not prejudicial) interest in respect of Item 3, as his wife was Chair of New Alresford Town Council Planning Committee and because he was a member of the Alresford Society; both organisations had commented on the application. He explained that he had taken no part in the Town Council's nor the Society's consideration of the item and his only involvement in the item prior to Committee had been to advise Councillor Cook (a Ward Member) on a matter of procedure. Councillor Jeffer therefore spoke and voted thereon.

Councillor Lipscomb declared a personal (but not prejudicial) interest in respect of Items 1 and 2 as he was a member of the City of Winchester Trust which had commented on the applications. However, he had taken no part in the Trust's consideration of the items. Councillor Lipscomb also declared a personal (but not prejudicial) interest in respect of Item 3 as he was a member of the Joint Authorities Gypsy and Travellers Advisory Panel, although he had taken no part in discussions with the Panel regarding the application. Councillor Lipscomb therefore spoke and voted thereon on all three items.

Councillor Pearce declared a personal (but not prejudicial) interest in respect of Item 3, as he was acquainted with one of the objectors and spoke and voted thereon.

Councillor Ruffell declared a personal (but not prejudicial) interest in respect of Item 3, as he was acquainted with one of the objectors and spoke and voted thereon.

Councillor Sutton declared a personal (but not prejudicial) interest in respect of Item 3 as Chair of the Joint Authorities Gypsy and Travellers Advisory Panel, but she had taken no part in discussions with the Panel regarding the application and therefore spoke and voted thereon.

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

Item 1: Stanmore Hotel, 212 Stanmore Lane, Winchester – Case Number: 07/02967/FUL

The Head of Planning Control reported that, since the publication of the Report, a further ten letters of representation had been received against the development, but that these had raised no new material objections in addition to those set out in the Report. In recommending the application for approval, the Head of Planning Control also suggested amendments to the Conditions set out in the Report in relation to permitted uses and landscaping issues.

Mr Sumner and Councillor Fall (a Ward Member) spoke in opposition to the application and Mr Wilson (the applicant's agent) spoke in support.

In summary, Councillor Fall explained that her views on the application were also shared by County Councillor Dickens (who represented this area at County level). Councillor Fall stated that, given the prominence of its location, the application was likely to dominate and not sympathetically reflect the suburban character of surrounding buildings. She added that the development was likely to be cramped and would affect the amenity of neighbours because of its impact on views, light pollution and overlooking. Councillor Fall also made reference to the traffic situation in the area which she considered could only be exacerbated by the proposal, which offered too few car spaces for residents, staff and visitors. She suggested that the application was likely to increase the number and length of car journeys in the area.

Councillor Fall explained that the Primary Care Trust encouraged care-in-the-home, where possible, and that Winchester already had sufficient supply of nursing home accommodation. She added that, given the high cost of the accommodation contained in the proposed development, it was only likely to serve a small minority of the community.

Councillor Fall also commented that, contrary to Local Plan Policy SF7, the applicant had not demonstrated that the current use of the site, offering a public house, reasonably-priced bed and breakfast and function room facilities, was no longer viable. Instead, she suggested that its current use was a vital asset to the local community and was in accordance with the Council's policies which encouraged community development.

The Committee noted that there was some ambiguity in the interpretation of Policy SF7. The Head of Strategic Planning had explained that this Policy sought to protect community facilities and services through a series of criteria. But, he advised that, as this application proposed the replacement of one type of community facility and

service (the public house) with another (a nursing home), it was the applicant's view that it was not necessary to meet these criteria. However, he stated that, given the real differences between the two uses and that the unusual circumstances of this application had not been tested at appeal, officers had required the applicant to satisfy some, but not all, of the Policy's criteria. The applicant had therefore submitted information which supported the need for nursing homes and had demonstrated that there were alternative public houses in vicinity.

Following debate, Members placed a greater emphasis on the differences between the two uses and on the Policy's supporting text, paragraphs 8.42 and 8.43 in particular, which stated that the Council would seek to retain *existing* uses that provided a facility or service to the local community, unless it could be demonstrated that the existing use was no longer viable.

It was the Committee's view that the existing use constituted a valuable asset to the local community. This was also in accordance with many of the Council's policies which promoted community development (both through its function as a public house and because of its low-cost function room, which had been used by charities) and those policies which encouraged tourism (by virtue of its overnight accommodation).

The Committee also discussed the need for the nursing home and, further to Councillor Fall's comments, noted that the Primary Care Trust had not been consulted on the application.

Members noted the detrimental effect the loss of the current use would have on the local community, that other public houses in the area were some distance away and that none provided the same facilities, in terms of accommodation and a function room. The Committee were also concerned by the lack of information regarding the economic viability of the existing use, which they considered to be contrary to Policy SF7.

During the wider debate, the Committee discussed issues regarding the development's bulk, effect on long distance views, carbon emissions, landscaping, highways, Travel Plan and the concerns of the Architects' Panel.

At the conclusion of debate, the Committee agreed to refuse planning permission and delegated authority to formulate detailed reasons to the Head of Planning Control (in consultation with the Chairman) , based on the Committee's view that the application was contrary to Policy SF7.

#### Item 2: Manor Nursery, Kilham Lane, Winchester – Case Number 07/03079/FUL

Mr Robinson spoke in opposition to the application and Mr Culhane (applicant) spoke in support.

The Head of Planning Control reported that, since publication of the Report, a further two letters of objection had been received but that these raised no new material issues in addition to those set out in the Report. The Head of Planning Control also recommended an amendment to proposed Condition 2 to comply with Circular 11/95, regarding use classes.

During debate, Members were concerned by the number of rooflights and dormer windows that the applicant had proposed and agreed to include a further condition prohibiting roof windows on the Kilham Lane elevation, to protect the minimal impact the proposal had on the public realm.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons given and subject to the conditions, as set out in the Report and as amended above (regarding uses and roof windows).

Item 3: The Caravan Travellers Rest, Appledown Lane, Bishops Sutton, Alresford - Case Number 07/02898/FUL

The Chairman explained that, as the application was located in Bishops Sutton on the boundary with New Alresford, and because the applicants were dependent on facilities from New Alresford, he had permitted the neighbouring Ward Member and Parish Council representative to speak.

Mr Gregory, Mrs Miller (Bishops Sutton Parish Council) and Mr Gentry (New Alresford Town Council) spoke against the application and Ms Mayho spoke in support. Councillor Cook (a Ward Member for The Alresfords) and Councillor Verney (the Ward Member for Cheriton and Bishop Sutton) also spoke in opposition to the application.

In summary, Councillor Verney raised concerns regarding the status of the permanent building on the site, the effect on the local community and previous enforcement issues at the site.

He highlighted that the Planning Inspector had only allowed the continued occupation of the site (which was in the countryside, visible from the A31, and unsuitable for use) by the previous tenant because of the then applicant's unique and compelling personal circumstances. Councillor Verney suggested that the application should not be granted as set out, as it would become generally available for use by gypsies and that this would pre-empt and contradict the planned approach for identifying suitable sites.

In addition to the above points, Councillor Cook commented on alleged anti-social behaviour attributed to the current occupants, intimidation of local residents and that there had been no letter of support from a school attended by one of the occupant's children. He also stated that the personal circumstances which permitted the previous tenant to remain on the site did not apply to the applicant and that the applicant had no strong local links to the area.

Councillor Cook concluded that current Government advice regarding gypsy and travellers' sites was flawed and not binding and therefore also recommended that the application be refused.

During debate, the Committee noted that the application met all the current criteria of both the Local Plan and Government guidance (both of which had changed since the Planning Inspector's verdict in 2003). The Head of Planning Control also clarified that the permanent building on the site was immune to Planning Enforcement, because it had been established for over four years, and that this building was adjoined to the mobile home. The Committee also noted that Planning Inspectors' decisions on similar sites had determined in favour of the applicant and had concluded that it was not reasonable to await the outcome of the District-wide review of Travellers and Gypsy Sites.

Arising from a discussion about a touring caravan that was located on the site, the Committee agreed to include a further Condition to ensure that the site shall be only occupied by persons from one family of gypsy status, as defined in Circular 1/2006.

During debate, the Head of Planning Control also informed the Committee that, subsequent to the publication of the Report, a further two letters of representation had been received in objection to the application which raised similar issues to those set out in the Report.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons given and subject to the conditions, as set out in the Report and as amended above.

Item 5: Industrial Units at Four Dell Farm, Poles Lane, Otterbourne - Case Number 07/03148/FUL

Mr Martin (the applicant's agent) spoke in support of the application.

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

The following item was discussed, although it was not subject to public participation:

Item 4: The Garden House, Brandy Mount, Westfield Road, Cheriton - Case Number 07/00064/FUL

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

RESOLVED:

1. That the decisions taken on the Development Control Applications, as set out in the schedule which forms an appendix to the minutes, be agreed.

2. That, in respect of Item 1 (Stanmore Hotel, 212 Stanmore Lane, Winchester), planning permission be refused and the Head of Planning Control (in consultation with the Chairman) be delegated authority to finalise detailed reasons, based on the Committee's view that the application was contrary to Policy SF7.

3. That, in respect of Item 2 (Manor Nursery, Kilham Lane, Winchester), planning permission be granted for the reasons given and subject to the Conditions, as set out in the Report, subject to additional Conditions regarding uses and preventing the installation of roof windows on the elevation facing Kilham Lane.

4. That, in respect of Item 3 (The Caravan Travellers Rest, Appledown Lane, Bishops Sutton), planning permission be granted for the reasons given and subject to the Conditions, as set out in the Report and an additional Condition that the site shall only be occupied by persons from one family of gypsy status, as defined in Circular 1/2006.

3. **CONFIRMATION OF TREE PRESERVATION ORDER 1905 (AS AMENDED) – JOLLY FARMER PUBLIC HOUSE, ANDOVER ROAD, WINCHESTER**  
[\(Report PDC737 refers\)](#)

RESOLVED:

That, having taken into consideration the representations received, Tree Preservation Order 1905, land at Jolly Farmer Public House, Andover Road, Winchester, be confirmed, as set out in the Report.

4. **CONFIRMATION OF TREE PRESERVATION ORDER 1891 (AS AMENDED) – COURT ROAD, KINGS WORTHY**  
[\(Report PDC736 refers\)](#)

RESOLVED:

That, having taken into consideration the representations received, Tree Preservation Order 1891, land at Court Road, Kings Worthy, be confirmed, as set out in the Report.

5. **MR ROBERT AINSLEY**

The Chairman announced that this was the last meeting to be attended by Senior Planning Officer, Mr Ainsley, and in addition to wishing him well for new post as a Team Manager at Havant Borough Council, the Committee unanimously thanked Mr Ainsley for the hard work and excellent advice he had provided Members.

The meeting commenced at 9.30am, adjourned for lunch between 1.50pm and 2.30pm, and concluded at 3.30pm.

Chairman

## CASE SUMMARY RESULTS FROM COMMITTEE :- 20 February 2008

Item1

<b>Case No:</b>	07/02967/FUL	
<b>W No:</b>	W06477/06	
<b>Case Officer</b>	Mr Robert Ainslie	<b>Team:</b> EAST
<b>Applicant:</b>	Colten Developments Ltd	
<b>Proposal:</b>	Demolition of existing public house and construction of 56 bed nursing home with associated parking and landscaping (RESUBMISSION) (AMENDED DESCRIPTION)	
<b>Location:</b>	Stanmore Hotel, 212 Stanmore Lane, Winchester, Hampshire, SO22 4BL	

### Recommendation

### REFUSED SUBJECT TO THE FOLLOWING CONDITION(S):-

#### Conditions/Reasons

1) The Proposals do not accord with Policy SF7 of the Adopted Winchester District Local Plan Review 2006 in that it has not been demonstrated by the applicant that the retention of the existing use as a public house and function room is no longer practical or desirable.

#### Informatives:

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

Hampshire County Structure Plan Review: No relevant policies  
Winchester District Local Plan Review 2006: DP1, DP3, DP4, DP5, DP6, DP11, CE5, CE10, H8, SF6, SF7, T1, T2, T4, T5, W1, W7

Item 2

<b>Case No:</b>	07/03079/FUL	
<b>W No:</b>	W19876/02	
<b>Case Officer</b>	Mr Robert Ainslie	<b>Team:</b> EAST
<b>Applicant:</b>	Mr M C Culhane	
<b>Proposal:</b>	Replacement offices and store (amendment to existing planning permission W19876/01) (PART RETROSPECTIVE)	
<b>Location:</b>	Manor Nursery, Kilham Lane, Winchester, Hampshire, SO22 5QD	

### Recommendation

### APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):-

#### Conditions/Reasons

1 The first floor of the building shall be used only for storage purposes and shall not be used as office accommodation for staff

Reason: In order to control the extension of lawful employment sites in the countryside in accord with Policy CE18 of the Adopted Winchester District Local Plan Review.

2 The development hereby permitted shall be used on the ground floor for solely a landscape contractors/maintenance use and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

## **CASE SUMMARY RESULTS FROM COMMITTEE :- 20 February 2008**

Reason: To restrict the use of the premises in the interests of highway safety and local amenity.

3 Materials shall not be stacked, stored or deposited in the open on the site unless previously agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the locality

4 No lorries shall enter or leave the application site, and no plant or machinery shall be operated, except between the hours of 0800 and 1800 hours, Monday to Friday, and between 0800 and 1300 hours on Saturdays. No work shall take place at the site on Sundays or recognised public holidays.

Reason: To minimise noise disturbance to neighbouring residents

5 No lighting whether free standing or affixed to an existing structure, or externally on the building, shall be provided on the site at any time unless previously agreed in writing by the Local Planning Authority.

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

6 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 windows shall, at any time, be constructed in the roof of the elevation facing Kilham Lane of the building hereby permitted.

Reason: To protect the amenity and privacy of the adjoining residential properties.

### **Informatives**

1. This permission is granted for the following reasons:  
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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

Hampshire County Structure Plan Review: No relevant Policies  
Winchester District Local Plan Review 2006: DP1, DP3, DP4, CE18, T1, T4



## CASE SUMMARY RESULTS FROM COMMITTEE :- 20 February 2008

Item 3

<b>Case No:</b>	07/02898/FUL	
<b>W No:</b>	W17635/01	
<b>Case Officer</b>	Mrs Jill Lee	<b>Team:</b> EAST
<b>Applicant:</b>	Mr John Edward James	
<b>Proposal:</b>	Variation of condition 02 of pp W17635 (personal permission) to allow site to be occupied by those of Gypsy origin/status	
<b>Location:</b>	The Caravan, Travellers Rest, Appledown Lane, Bishops Sutton, Alresford, Hampshire, SO24 9PB	

### Recommendation

### APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):-

#### Conditions/Reasons

1 No more than one mobile home/caravan and one trailer (touring) caravan shall be stationed on the land at any one time.

Reason: In the interests of the visual amenities of the area.

2 No open storage shall be carried out on the site, and no vehicles over 3.5 tonnes shall be kept on the site.

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

3 The use hereby permitted shall be restricted to a 20m wide strip along the western boundary of the site. The remainder of the site shall be retained as an open area and shall be kept free of any structures, vehicles or other paraphernalia.

Reason: To ensure that the use of the site is controlled and that it presents a satisfactory appearance in the countryside.

4 The site shall only be occupied by one family of gypsy status as defined in Circular 01/2006 and by no other people

Reason: The site is within the countryside where residential development would not normally be allowed.

#### Informatives

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

Winchester District Local Plan Review 2006: CE27

## CASE SUMMARY RESULTS FROM COMMITTEE :- 20 February 2008

Item 4

<b>Case No:</b>	08/00064/FUL	
<b>W No:</b>	WLDC/448	
<b>Case Officer</b>	Mr Andrew Rushmer	<b>Team:</b> EAST
<b>Applicant:</b>	Mr H Verney	
<b>Proposal:</b>	Erection of garden building (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY)	
<b>Location:</b>	The Garden House, Brandy Mount, Westfield Road, Cheriton, Alresford, Hampshire	

### Recommendation

#### APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):-

#### Conditions/Reasons

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

#### Informatives

1. This permission is granted for the following reasons:  
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-  
  
Winchester District Local Plan Review 2006: DP3, DP4, CE6, HE5  
Planning Policy Guidance Note 15
3. The public right of way must remain available for public use at all times.
4. There will be no surface alterations to the right of way, nor any works carried out which affect the surface of the right of way, without first seeking the permission of the Rights of Way Officer.

## CASE SUMMARY RESULTS FROM COMMITTEE :- 20 February 2008

Item 5

<b>Case No:</b>	07/03148/FUL	
<b>W No:</b>	W13437/13	
<b>Case Officer</b>	Mr Neil Mackintosh	<b>Team:</b> WEST
<b>Applicant:</b>	R And W Plant	
<b>Proposal:</b>	External cladding(RESUBMISSION)	
<b>Location:</b>	Industrial Units At Four Dell Farm, Poles Lane, Otterbourne, Hampshire	

### Recommendation

### APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):-

#### Conditions/Reasons

1 Within three months of the date of this decision the roof lights shown as obscured on the plan hereby approved shall be coated in a material to match the roof cladding material. Details of the coating material shall be submitted to, and approved in writing by, the Local Planning Authority before coating takes place and the coated roof lights shall be maintained in this condition.

Reason: In the interests of the visual amenities of the area and the character of the countryside.

#### Informatives

1. This permission is granted for the following reasons:  
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: None  
Winchester District Local Plan Review 2006: CE5, CE17, DP3