

**PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE****10 March 2011****Attendance:**

Councillors :

Johnston (Chairman) (P)

Evans (P)

Hutchison (P)

Huxstep (P)

Jefferies

Mitchell (P)

Pearce (P)

Read (P)

Tait (P)

**Others in Attendance who did not speak:**

Councillor Verney

**Officers in Attendance:**

Mrs J Pinnock – Planning Team Manager

Miss L Hutchings – Principal Planning Officer

Mrs A Hebard – Planning Officer

Mr M White – Conservation Officer

Ms F Sutherland – Planning and Information Solicitor

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**1. CHAIRMAN'S ANNOUNCEMENT**

The Sub-Committee met at Winchester Guildhall, where the Chairman welcomed to the meeting ten members of the public along with representatives of the applicants.

**2. DECLARATIONS OF INTERESTS ETC**

Councillor Read explained that he had been unable to attend the site visits for the following applications (which were held on 8 March 2011). However, he had subsequently discussed the applications with the Head of Planning Management and, coupled with his prior knowledge of the sites and the officer presentations at the previous meeting, he considered that he had sufficient knowledge and understanding of the sites to determine the applications. Therefore Councillor Read spoke and voted thereon with the agreement of the Sub-Committee.

Councillor Hutchison declared a personal (but not prejudicial) interest in respect of the Chilbolton Avenue items below as he was a member of the City of Winchester Trust, which had commented on these applications. However,

he had taken no part in the Trust's consideration of these items and he spoke and voted thereon.

3. **LANG HOUSE, 27 CHILBOLTON AVENUE, WINCHESTER – CASE NUMBER 10/00338/FUL**  
[\(Report PDC883 Item 4 refers\)](#)

The above application had been referred to the Sub-Committee for determination by the Planning Development Control Committee, at its meeting held 17 February 2011. The Committee had agreed that it was not able to determine the application without first visiting the site, to better understand the potential impact of the development on the character of the area.

Therefore, on 8 March 2011, the Sub-Committee visited the site in the company of officers and representatives of the applicant (who facilitated access to the site). On site, the Sub-Committee noted:

- The proposed access from Chilbolton Avenue and its setting in the Avenue;
- The location of the trees to be retained;
- The location of the proposed buildings from the rear of Long Acre;
- The possible impact of the proposed buildings from the rear, swimming pool terrace of a neighbouring property, 25 Chilbolton Avenue;
- The possible impact of the proposed buildings from the Winchester Royal Golf Club to the rear and from the public footpath through the golf club.

A full presentation had been given at the Planning Development Control Committee meeting on 17 February 2011, where the Committee had also heard public participation. Therefore, in accordance with procedure, the presentation at the Sub Committee was limited to a summary of the key issues and there was no repeat of the public participation period.

The application proposed the demolition of the existing building and erection of 12 no. two bedroom apartments and 2 no. three bedroom apartments, with associated car parking and hardstanding areas, and landscaping.

Ms Hutchings reminded the Sub-Committee that, subsequent to the publication of the Report, a final copy of amended plans had been received, which omitted roof terraces, and she recommended an amendment be included to Condition 8 regarding sustainability.

The Sub-Committee also noted that the interim "aspirational" policies which were set out in the Report, did not apply to applications submitted before January 2011 and therefore did not apply in this instance. In addition, Members noted that the landscaping plan had been omitted from the scheme, as it contained inaccuracies and that a full planting scheme would be required via condition if the scheme was approved.

During questions, the Sub-Committee noted that the decision of the Planning Appeal Inspector for a previous application on the site was a material consideration and that it was for the Sub-Committee to decide how much weight to attribute to it, amongst all the other material considerations. Several Members commented that the Report would have benefited from reproducing the Inspector's conclusions in full, rather than the summary which had been included.

Some Members raised concerns regarding the application, as they considered it to be contrary to the Chilbolton Avenue Local Area Design Statement (CALADS). This Local Area Design Statement had placed an emphasis on the area around the application site (Area D) as being a particularly sensitive area.

Those Members also raised concerns that the application was contrary to Policy D1 of the CALADS, in that it proposed a significant increase in massing. However, officers explained that whilst the proposed intensification of the scheme resulted in a footprint approximately twice that of the existing building, the new buildings did not form a single mass, but were broken up and, through a 5 metre gap, offered a view through the development to the golf course beyond. Mrs Pinnock added that the application was in accordance with another aspect of Policy D1, as the new buildings were broadly of a similar height and scale to the surrounding, existing, buildings in Chilbolton Avenue.

Concerns were also raised that the application was contrary to Policy D6 of the CALADS, regarding the importance of proposals respecting the detached and independent villa style of houses, and Policy L4, in failing to demonstrate how it would contribute to the wooded character of this part of the Avenue. Similarly, a concern was raised that it failed Policy DP3 of the Local Plan, in that it did not make a positive contribution to the character of the area.

In response to concerns regarding Policy D4 of the CALADS, Ms Hutchings explained that, although they would be flats, the proposed buildings would have a domestic, villa-like appearance. The CALADS had recommended that if plots were to include ancillary dwellings, they should be subservient to the main development. However, whilst the Sub-Committee noted that the proposed buildings would have a similar mass to each other, by virtue of their positioning, the buildings to the rear would appear subservient to those at the front.

Members considered the possible impact of the application on the neighbouring property which they had visited on site, 25 Chilbolton Avenue. Ms Hutchings explained that the neighbour was likely to see the upper floor side elevations and sloping roofs of the new dwellings. However, she explained that this was insufficient to uphold a reason for refusal, given the distance between the properties, the proposed boundary landscaping, that there were no windows proposed in the elevation of the closest building (at 6 metres distance) to prevent overlooking and because the neighbours' principle amenity/view was to the north across his garden and onto the golf course. The Sub-Committee noted that the second block, which shared a boundary with 25 Chilbolton Avenue, would have windows onto that elevation, but

because of the distance (15-17 metres from the neighbouring property) and because some of those windows would serve living spaces, it would not be reasonable to condition that they be obscured glazed.

The Sub-Committee also noted that the application would preserve the protected trees along the site's boundary and Ms Hutchings stated that the proposed planting would enhance the appearance of the area.

Prior to the conclusion of debate and in response to a question, Councillors Hutchison and Pearce (as Ward Members) clarified that they had not predetermined the application, nor the subsequent application below.

At the conclusion of debate, the Sub-Committee agreed to grant planning permission for the reasons (and subject to the Conditions and an amendment to Condition 8) as set out in the Report. In addition to those reasons, the majority of the Sub-Committee agreed that there were a variety of architectural styles in this part of Chilbolton Avenue (especially when viewed from the golf course) and they commended the architect for a number of innovative features he had included in the design, such as the underground car park, which they considered would make a positive contribution to the area.

RESOLVED:

That planning permission be granted for the reasons and subject to the Conditions as set out in the Report (and an amendment to Condition 8).

4. **45 CHILBOLTON AVENUE, WINCHESTER – CASE NUMBER 10/00764/FUL**  
[\(Report PDC883 Item 5 refers\)](#)

The above application had been referred to the Sub-Committee for determination by the Planning Development Control Committee, at its meeting held on 17 February 2011. The Committee had agreed that it was not able to determine the application without first visiting the site, to better understand the potential impact of the development on the character of the area, on the wooded nature of this part of Chilbolton Avenue and how the application responded to the requirements of the Local Area Design Statement.

Therefore, on 8 March 2011, the Sub-Committee had visited the site in the company of officers and representatives of the applicant (who facilitated access to the site). On site, the Sub-Committee noted:

- The proposed access from Chilbolton Avenue;
- The rear gardens of 45 and 47 Chilbolton Avenue;
- The screening of the proposed buildings;
- The relationship of the proposed buildings with Stockers Avenue to the rear;
- and, to understand how the site could be developed, a similar and recently completed development at Queens Gate, Chilbolton Avenue.

As above, a full presentation had been given at the Planning Development Control Committee meeting on 17 February 2011, where the Committee had also heard public participation. Therefore, in accordance with procedure, the presentation at the Sub Committee was limited to a summary of the key issues and there was no repeat of the public participation period.

The application proposed the demolition of existing 2 no. dwellings at 45, 47 Chilbolton Avenue and included the land to the rear of 49a Chilbolton Avenue to replace with 6 no. two bedroom dwellings and 6 no. four bedroom dwellings with associated access, car parking and landscaping.

Ms Hutchings reminded the Sub-Committee that, subsequent to the publication of the Report, officers recommended an amendment to Condition 7 regarding sustainability.

As above, the Sub-Committee also noted that the interim "aspirational" policies which were set out in the Report did not apply to applications submitted before January 2011 and therefore did not apply in this instance.

The Sub-Committee noted that, as with the above application, the number of dwellings sought fell under the threshold which triggered a requirement for affordable housing. In addition, although the applications were from the same developer, they had been considered separately. Following debate, Members recommended that this issue be considered further outside of this meeting.

Members considered the possible effect of the application on neighbouring properties, both on Chilbolton Avenue and Stockers Avenue to the rear. During this discussion, the Sub-Committee agreed the importance of retaining and maintaining existing overgrown hedges/trees as boundary screening. Although it was noted that the western boundary hedges/trees would be cut to first floor height, it was likely that the new residents would seek to reduce the height of these hedges/trees even further to increase light into their rear gardens. It was therefore agreed that there should be a transitional arrangement to replace these hedges/trees over a period time of time with an indigenous species, whilst maintaining their screening qualities. Therefore following debate, the Sub-Committee agreed to delegate authority to the Head of Planning Management (in consultation with the Chairman) to word Condition 6 to include an appropriate management plan to protect the boundary landscaping and hedgerows to protect the amenities of neighbouring Chilbolton Avenue and Stockers Avenue residents.

In response to a question, Ms Hutchings explained that the Landscape Officers' comments in the Report. One officer's comments related to a previous application and the second Landscape Officer's comments raised concerns, which had been incorporated into the revised proposals, and would be satisfactorily covered by the proposed landscaping scheme.

A Councillor raised concerns regarding the possibility of slow-worms on site and Ms Hutchings explained that there was insufficient evidence of these to

warrant an additional ecological survey. However, Condition 11 required a scheme of biodiversity and ecological enhancements to be implemented during the development.

During debate, Mrs Pinnock explained that the Council had worked with local communities to develop the Local Plan, CALADS and the Local Development Framework.

In response to a question, Ms Hutchings explained that the arrangement of first floor windows within the new development would prevent the new residents overlooking each other. Furthermore, there were no windows proposed in the end buildings facing onto Stockers Avenue.

Members expressed their desire to prevent gated communities in Winchester and therefore agreed that an additional condition should be included (detailed wording delegated to the Head of Planning Management) to prohibit the erection of a gate, that would give the appearance of a gated community and ensure that vehicles would not need to stop on the highway waiting for gates to open.

The Sub-Committee also noted the significant slope of the site towards Stockers Avenue to the rear and, therefore, requested an amendment to Condition 4 to ensure that, where practical, hard surfaces should be permeable to prevent storm water run off. They also requested an amendment to Condition 4 to ensure appropriate planting to the south and west site boundaries to be read in conjunction with the re-worded Condition 6.

In a response to concerns of local residents which was highlighted by a Member, Mrs Pinnock explained that, whilst they may constitute desirable accommodation, the 1960/70s buildings to be demolished did not have a significant architectural value.

At the conclusion of debate, the Sub-Committee agreed to grant planning permission for the reasons (and subject to the Conditions as amended below) as set out in the Report.

**RESOLVED:**

That planning permission be granted for the reasons and subject to the Conditions as set out in the Report and the following amendments:

To delegate to the Head of Planning Development Control (in consultation with the Chairman) authority to:

re-word Condition 6 to protect, enhance, maintain and replace with indigenous species the landscaping boundaries with Chilbolton Avenue and Stockers Avenue to the rear.

To include within Condition 4 a requirement for permeable materials where possible in areas of hardstanding to minimise storm water run off.

To prohibit the erection of a gate that would give the appearance of a gated community and ensure that vehicles would not need to stop the highway waiting for gates to open.

Amend Condition 7 regarding sustainability.

5. **BRAMDEAN MANOR, CHURCH LANE, BRAMDEAN – CASE NUMBER 10/03174/FUL**  
[\(Report PDC886 Item 8 refers\)](#)

The above application had been referred to the Sub-Committee for determination by the Planning Development Control Committee, at its meeting held 17 February 2011. The Committee had agreed that it was not able to determine the application without first visiting the site, to gain a better understanding of the site.

Therefore, on 8 March 2011, the Sub-Committee had visited the site in the company of officers and the applicant (who facilitated access). On site, the Sub-Committee noted:

- The location of the existing garage;
- The location of the proposed garage and how this affected the nearby landscaping;
- The rear elevation of the Manor from the lawns to appreciate its symmetry and the asymmetrical arrangement of the existing developments to the east of the main house;
- The walled garden and the site of a former outbuilding, demolished after 1975, and the property's relationship with Bramdean Church.

As above, a full presentation had been given at the Planning Development Control Committee meeting on 17 February 2011, where the Committee had also heard public participation. Therefore, in accordance with procedure, the presentation at the Sub Committee was limited to a summary of the key issues and there was no repeat of the public participation period.

The Sub-Committee noted that the application proposed internal alterations and the erection of a new outbuilding and link. As this affected the setting of a listed building, the application was accompanied by a separate listed buildings application (below). The Chairman explained that, whilst the Sub-Committee would vote on the two applications separately, Members would consider them together.

Mrs Hebard reminded the Sub-Committee that, subsequent to the publication of the Report, a consultation response had been received by the South Downs National Park Authority. In summary, this stated that whilst they had objected to the previous application, they had subsequently visited the site and raised

no objection in terms of its impact on the wider landscape of the National Park. However, they referred to the Conservation Officer's comments with regard to the potential impact on the listed building.

In response to Members' questions, Mr White reiterated the heritage reasons to refuse the application; namely that, historically, all ancillary structures to the Manor had been built on the eastern side, rather than to the west as the application proposed. He stated that to build to the east would disturb the woodland area and therefore the Manor's historical landscape setting. Mrs Hebard added that the Landscape Officer had also raised concerns regarding the proposed excavation of the site and the potential damage the construction could cause to smaller trees to the east of the Manor.

The Sub-Committee noted that Mr White had suggested that, if the applicant wished to erect a new garage and link, this could be created on the eastern side on the site of former outbuildings. He explained that those outbuildings had been demolished sometime between 1975 and 2005 and that they had enclosed the walled garden. Access to a garage in this location would require a breach in an existing wall and it would block views between the ground floor level of Bramdean Manor and the neighbouring 12<sup>th</sup> century church.

At the conclusion of debate, the Sub-Committee agreed to grant planning permission, contrary to the officer's recommendation to refuse. This was because the Sub-Committee did not agree that the proposals would harm the landscape setting of the Manor. Members also commented that any views of the new garage and link were likely to be private; that to locate the garage to the east would block views of the Manor from the church and to erect the garage to the west of the Manor would introduce a pleasing symmetry to the building.

However, the Sub-Committee wished to underline its appreciation of the Conservation Officer's professional advice during the consideration of this application.

In voting to grant permission, the Sub-Committee was concerned that the submitted plans were not clear as to whether the existing small extension to the east of the Manor would be demolished as part of the development. The Sub-Committee therefore agreed to include an additional condition (the wording of which would be delegated to the Head of Planning Management, in consultation with the Chairman) to require a satisfactory, detailed cross section plan to demonstrate how the new link would meet the Manor House at the site of the existing extension.

The Sub-Committee also agreed to delegate authority to the Head of Planning Management, in consultation with the Chairman, to impose any other reasonable and necessary conditions.



RESOLVED:

That planning permission be granted and that authority be delegated to the Head of Planning Management (in consultation with the Chairman) to impose any other reasonable and necessary conditions (including an condition to require a satisfactory, detailed cross section plan to demonstrate how the new link would meet the Manor House at the site of the existing extension) because the Sub-Committee did not agree that the proposals would harm the landscape setting of the Manor.

6. **BRAMDEAN MANOR, CHURCH LANE, BRAMDEAN – CASE NUMBER 10/03175/LIS**  
[\(Report PDC886 Item 9 refers\)](#)

This application was considered alongside the above application (see above for details).

During debate, Mrs Pinnock clarified that the Council had no powers to require the applicant to remove the existing garage near the 12<sup>th</sup> century church.

At the conclusion of debate, as above, the Sub-Committee agreed to grant listed building consent as it agreed that the proposals would not harm the landscape setting of the Manor. Authority was delegated to the Head of Planning Management, in consultation with the Chairman, to impose any other reasonable and necessary conditions including a condition requiring that materials be approved prior to commencement of development.

RESOLVED:

That listed building consent be granted because the Sub-Committee did not agree that the proposals would harm the landscape setting of the Manor and that authority be delegated to the Head of Planning Management, in consultation with the Chairman, authority to impose any other reasonable and necessary conditions including a condition requiring that materials be approved prior to commencement of development.

The meeting commenced at 9.30am and concluded at 1.00pm.

Chairman