

PLANNING COMMITTEE

10 July 2014

Attendance:

Councillors:

Ruffell (Chairman) (P)

Evans (P)

Izard (P)

Jefferies (P)

Johnston (P)

McLean (P)

Pearson (P)

Read (P)

Rutter

Scott (P)

Deputy Members:

Councillor Newman - McKie (Deputy for Councillor Rutter)

Others in attendance who addressed the meeting:

Councillors Dibden and Tait.

1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee, held on 12 June 2014, be approved and adopted.

2. **DEVELOPMENT CONTROL SCHEDULE**
(Report PDC1000 and Update Sheet refers)

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

The Committee agreed to receive the Update Sheet as an addendum to Report PDC1000.

Councillors Pearson and Read declared a personal (but not prejudicial) interest regarding Item 4 as the applicant was a City Councillor and having a personal interest only they spoke and voted thereon. Note: this was a common interest for members of the Committee and all members spoke and voted thereon.

At the invitation of the Head of Development Management, the Committee had informally visited the site relating to Item 1 on 8 July 2014, to assess the development in relation to its setting and relationship with neighbouring properties. The informal visits were attended by all the Councillors on the Committee, apart from Councillor Evans. Councillor Evans explained that she considered that she had sufficient knowledge of the site to determine the application and spoke and voted thereon.

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

Item 1: 24 Quarry Road, Winchester, SO23 0JG.

Construction of 3no three bedroom dwellings with associated access – Case No 14/01162/FUL

The Head of Development Management referred Members to the Update Sheet which set out further details regarding representations received from the St Giles Hill Resident's Association; details on the sustainability assessment and viability appraisals (with a recommendation to delegate to the Head of Development Management to determine), and an updated arboricultural impact appraisal and method statement and subsequent amendment of the relevant conditions 4 and 5 and an additional Condition 19.

During public participation, Mr Alan Foster (St Giles Hill Residents Association) spoke in objection to the application and Rebecca Aldman (Applicant's Agent) and Matt Swanton (Architect) spoke in support. All three answered Members' questions thereon.

In answer to a Member's question, Mr Swanton clarified that solutions were included in the proposals to prevent water penetration into the properties from the hard standing to their front. The Head of Development Management added that Condition 8 (hard and soft landscaping) would be checked to ensure that it included permeable drainage.

At the conclusion of debate, the Committee agreed to grant permission for the reasons and subject to the conditions and informatives set out in the Report and as amended in the Update Sheet.

Item 2: 1 Landsdowne Avenue, Winchester SO23 9TJ

(HOUSEHOLDER) Demolition of single storey rear extension and erection of new two storey extension (RESUBMISSION). Case no 14/01026/FUL

The Head of Development Management referred Members to the Update Sheet and explained that one further letter of representation in support had been received.

During public participation, Councillor Tait (a Ward Member) spoke on this item. In summary, he commented that the previous 2007 extension to the property had been approved by the Committee, contrary to the officers' recommendation for refusal, and had proved to be a success. The current application was a contemporary proposal that met the applicant's

requirements. The architect had put forward an imaginative and high quality solution, which had the support of local residents to improve the appearance of the corner of Landsdowne Avenue, and the views of the Council's Head of Historic Environment in objection were subjective. He explained that the City of Winchester Trust would have supported the application except for an administrative error on their part.

During public participation, Robin Galloway (Applicant) and Huw Thomas (Architect) spoke in support and answered Members' questions thereon.

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

Applications inside the area of the South Downs National Park:

Item 3: Field, West Street, Soberton:

Erection of a 130 metres post and wire livestock fencing with gate (RETROSPECTIVE) – Case Number: SDNP/14/01286/FUL

The Head of Development Management referred Members to the Update Sheet which provided a further update to the planning history regarding the Article 4 direction.

During public participation, Councillor Dibden (Ward Member) spoke on this item. In summary, Councillor Dibden commented that there was a weight of local objection to the application. The field had been an open and sunny church meadow and was not a field for sub division into small plots for horses. The subdivision was contrary to the objectives of the South Downs National Park and would affect the setting of the Grade 1 listed church, St Peters. The subdivision and the fences caused harm and presented a risk throughout the Park and had led to publication of the draft Horse Pasture Management document. The proposals required Planning Permission in accordance with the Article 4 direction and were contrary to Policies CP19 and CP20 of the Local Plan Part 1. The protection of the open gap at Soberton was also a material consideration and the situation should not be allowed to deteriorate further.

During public participation Councillor Turton (Soberton Parish Council) spoke in objection and Diane Collins – Blake and Dominic Plumpton (Agent) spoke in support and all answered Members' questions thereon.

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

The following item had no public participation.

Item 4: Black Farm, Lovington Lane, Avington, Winchester SO21 1DA: Modifications to existing walled landscaping to create new swimming pool and kitchen garden (AFFECTS THE SETTING OF A LISTED BUILDING) - Case Number SDNP/14/01468/HOUS

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

RESOLVED:

1. That the decisions taken on the Development Control Applications in relation to those applications outside the area of the South Downs National Park be agreed as set out in the Schedule (appended to the minutes for information), subject to:

That in respect of item 1 (24 Quarry Road, Winchester) the final Section 106 legal agreement heads of terms be delegated to the Head of Development Management on :-

- (i) how close to Code for Sustainable Homes level 4 for water and as close to Level 5 for energy that the applicant can practically achieve.
- (ii) a review of the affordable housing contribution based on an updated Viability Appraisal to be submitted by the applicant based on the actual development costs and sale values, and;

That conditions 4 and 5 be amended in respect of tree protection measures, and an additional condition 19, requiring details of the sleeper wall be agreed, as follows:-

4. All works prescribed both to trees and that related to demolition and construction activities shall be undertaken in strict accordance with the Arboricultural Information ref: AIA/AMS-KC/HD/QUARRY/001 Revision A written by Kevin Cloud of Technical Arboriculture July 2014.

5. Protective measures, including fencing and ground protection, in accordance with the Tree Protection Plan – TSP-HD/quarry/001 Rev: A and Arboricultural Information ref: AIA/AMS-KC/HD/QUARRY/001 Revision A written by Kevin Cloud of Technical Arboriculture July 2014 and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site and will remain until the development is complete.

19. No development shall commence until full details of the sleeper wall, to include cross sections, details of foundation and full specifications have been submitted to and approved in writing by the Local Planning Authority. Development shall be built in accordance with the approved details.

19. Reason: To ensure the protection and long term viability of retained trees and to minimise impact of construction activity.

2. That the decision taken on the Development Control Applications in relation to the applications inside the area of the South Downs National Park be agreed set out in the Schedule (appended to the minutes for information).

3. **ANNUAL PLANNING COACH TRIP – 11 OCTOBER 2013**
(Report PDC998 refers)

The Committee agreed that the development at 24 Quarry Road, as considered at this meeting, would merit a site visit in the future. In addition, it was also suggested that the coach trip should visit a site in the southern parishes for its first visit, for example the Southwick Solar Farm.

RESOLVED:

That the Report be noted.

4. **PLANNING APPEALS – SUMMARY OF DECISIONS**
(Report PDC999 refers)

RESOLVED:

That the Report be noted.

The meeting commenced at 9.30am and concluded at 12.35pm.

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE

DECISIONS

10.07.2014

PART II DEVELOPMENT CONTROL APPLICATIONS
AND DECISIONS THEREON



Working in Partnership



Winchester Town

Ward

St John And All Saints

- 01 Conservation** Winchester Conservation Area
- Area:**
- Case No:** 14/01162/FUL
- Ref No:** W10494/08
- Date Valid:** 16 May 2014
- Grid Ref:** 449122 129120
- Team:** 1_NTH **Case Officer:** Lewis Oliver
- Applicant:** Hazeley Developments
- Proposal:** Construction of 3no three bedroom dwellings with associated access
- Location:** 24 Quarry Road, Winchester, Hampshire, SO23 0JG
- Officer** PER
- Recommendation:**

Committee Decision:

(i) Contributions of £30,000.00 towards affordable housing in accordance with Policy CP3 of the Winchester District Local Plan Part 1 - Joint Core Strategy, or a higher figure based on an updated viability appraisal to reflect the actual development costs and sale value of the properties.

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

Section 106 legal Agreement, the heads of terms of which should be delegated to the Head of Development Management to secure a review of the affordable housing contribution based on updated Viability Appraisal to be submitted by the applicant. This shall include measures agreed regarding meeting code for sustainable homes level 4 for water and as close to level 5 for energy as is practical.

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).

2 Sample panels of all new facing brickwork showing the proposed brick types, colour, texture, face bond and pointing shall be provided on site and the specification approved in writing by the Local Planning Authority before the relevant parts of the works are begun. The relevant parts of the work shall be carried out in accordance with such approved sample panels. The approved sample panels shall be retained on site until the work is completed.

i) Houses

ii) Boundary walls

Reason: To ensure that the detailing and finish maintains the architectural character and appearance of the conservation area.

3 Details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details.

A - detailed drawings at 1:20 scale; i) windows ii) doors iii) eaves iv) brise-soleil projection v) pv panels

B - samples of materials; i) roof coverings ii) flint iii) render iv) details of timber boarding, including staining

C - materials specification; i) railings ii) sliding gate iii) glazing.

Reason: To ensure that the detailing and finish maintains the architectural character and appearance of the area.

4 All works prescribed both to trees and that related to demolition and construction activities shall be undertaken in strict accordance with the Arboricultural Information ref: AIA/AMS-KC/HD/QUARRY/001 Revision A written by Kevin Cloud of Technical Arboriculture July 2014.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

5 Protective measures, including fencing and ground protection, in accordance with the Tree Protection Plan - TSP-HD/quarry/001 Rev: A and Arboricultural Information ref: AIA/AMS-KC/HD/QUARRY/001 Revision A written by Kevin Cloud of Technical Arboriculture July 2014 and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site and will remain until the development is complete.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

6 All groundwork taking place within the root protection area shall be undertaken under the strict supervision of arboricultural supervisor - a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

Reason: To ensure protection and long term viability of retained trees and to

minimise impact of construction activity.

7 A method statement, giving details of the removal of any surplus spoil excavated from the site as part of the development shall be submitted to and approved in writing by the Local Planning Authority before development commences. The statement shall specify the quantity of spoil, its means of removal and where it will be taken to. The works shall be undertaken in accordance with the approved method statement.

Reason: In the interests of visual amenity and sustainability.

8 All hard and soft landscape works shall be carried out in accordance with the approved details shown on plan 414-101 and on the landscape management plan May 2014. The works shall be carried out before prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, D, E, F, G of Part 1 and Class A of Part 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: This is a contemporary solution for the site, and any works to the scheme need to be carefully controlled to accord with policy CP.13 and to ensure that the design strategy is adhered too

10 Prior to the occupation of the development hereby permitted detailed information (in the form of SAP as built stage data) demonstrating that all homes meet the Code 5 standard for energy (as defined by the ENE1 and ENE2 in the Code for Sustainable Homes) and the Code 4 standard for water (in the form of a BRE water calculator) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core

Strategy.

11 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.

12 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.

13 The gradient of the drive shall not exceed 1 in 8; within 10.0 metres of the edge of the adjoining carriageway.

14 Before the development hereby approved is first brought into use, visibility splays of 2.0 metres by 25.0 metres shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles at all times. No structure, erection or vegetation exceeding 0.6metres in height above the level of the adjacent highway shall be permitted within the splays.

Reason: In the interests of highway safety.

15 The parking spaces hereby approved shall not be used for any other purpose than the parking of cars.

Reason: To ensure the provision and retention of the parking in the interests of local amenity and highway safety.

16 The windows on the eastern (side) elevation hereby permitted shall be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4and the glazing shall thereafter be retained in this condition at all times.

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

17 The development shall be carried out in accordance with the measures and enhancements set out in accordance with the ECOSA Ecological Assessment dated April 2014.

Reason: In order to manage impacts on ecological receptors.

18 Development shall not begin until drainage works have been carried out in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory provision of foul and surface water drainage.

19 No development shall commence until full details of the sleeper wall, to include cross sections, details of foundation and full specifications have been submitted to and approved in writing by the Local Planning Authority. Development shall be built in accordance with the approved details.

Reason: To ensure the protection and long term viability of retained trees and to minimise impact of construction activity.

Informatives

1. The applicant is advised that a licence will be required to carry out highway works. Please contact: Hampshire Highways, Central Depot, Bar End Road, Winchester, SO23 9NP. (Telephone: 01962 892850).

2. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,

- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues during the course of the application.

3. 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.

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

Local Plan Part 1 - Joint Core Strategy: DS1, CP2, CP3, CP7, CP11, CP13, CP14, CP16, CP20, CP21

Winchester District Local Plan Review 2006: DP3, DP4, DP5, H3, HE4, T2, T4

Conditions/Reasons

1 The proposed extension, by virtue of its scale, height, mass and differing axial orientation, is not considered to reflect the prevalent pattern of development and would be inappropriate in the context of this part of the Conservation Area. The design of the proposed extension, which has a strong horizontal emphasis, is considered stylistically incongruous within the street scene. The proposed materials do not relate to local distinctiveness or the special character of the Conservation Area. The development is therefore considered to have a harmful impact on the special character and local distinctiveness of the Winchester Conservation Area contrary to policy HE5 of the Winchester District Local Plan Review and policy CP20 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

Informatives

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

Winchester District Local Plan Part 1 - Joint Core Strategy: Policy CP20
Winchester District Local Plan Review 2006: Policies DP3, HE4, HE5, HE8

2. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. The applicant was updated of any issues after the initial site visit.

2. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The bricks to be used in the construction of the garden walls shall match those used in the construction of the existing garden walls.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

3. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings along with details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details. NB Potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

4. No development shall take place until further details and sections of the proposed solar panels, including their proposed method of fixing have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

5. Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The external lighting will not be switched on between the hours of 22:00 in the evening and 07:00 the following morning.

Reason: To protect the appearance of the area, the environment and local residents from light pollution

Informatives

- 1 In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.
- 2 It is considered that this planning application does not raise any crime and disorder implications.
- 3 Due regard, where relevant, has been taken of the National Park Authority's equality duty as contained within the Equalities Act 2010.
- 4 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.
- 5 The applicant is advised that the pool should remain unchlorinated for at least 48 hours prior to the disposal of water to a soakaway (to prevent the pollution of the aquifer).
- 6 All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.
- 7 During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, 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.
- 8 The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.