

**PLANNING COMMITTEE**

**16 November 2017**

Attendance:

Councillors:

Ruffell (Chairman) (P)

Clear (P)  
Evans (P)  
Gottlieb (P)  
Izard (P)

Jeffs (P)  
Laming  
Read (P)  
Tait (P) (for schedule  
Items 1-3 &  
Exempt Agenda item 8)

Deputy Members:

Councillor Bell (Standing Deputy for Councillor Laming) (Schedule items 2 to 8 and Exempt Agenda item 8).

Others in attendance who addressed the meeting:

Councillors Cook, Mather and Thompson.

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1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 17 October 2017 and the minutes of the Planning (Viewing) Sub Committee held on 1 November 2017 be approved and adopted.

2. **PLANNING APPLICATIONS SCHEDULE**  
(Report PDC1098 and Update Sheet refers)

A copy of each planning application decision is available to view on the Council's website under the respective planning application.

The Committee agreed to receive the Update Sheet as an addendum to Report PDC1098.

Councillor Tait declared a personal (and prejudicial) interest in respect of items 3 and 4 as he was a Trustee of St John's Winchester Charity that owned land adjoining the application site, and having a personal and prejudicial interest he answered questions during public participation (for item 3 only) and then withdrew from the meeting for consideration of these items. Councillor Tait was not in attendance during the consideration of item 4.

Councillor Evans declared a personal (but not prejudicial) interest in respect of item 1 as she had formerly been a teacher at Peter Symonds College and she spoke and voted on this item.

At the invitation of the Head of Development Management, the Committee had visited the sites relating to Items 1, 5 and 6 on 14 November 2017, to assist them in assessing the proposed developments in relation to their setting and relationship with neighbouring properties. The site visit was attended by Members present on the Committee, with the exception of Councillor Bell who explained that she considered that she had sufficient knowledge of the areas and sites to determine the applications.

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

Item 1: The construction of a new Art Faculty Building plus associated landscaping works and a new pedestrian entrance from Hatherley Road, following the demolition of existing changing rooms and cycle store.

Peter Symonds College, Owens Road, Winchester  
Case number: 17/00964/FUL

The Head of Development Management referred Members to the Update Sheet which referred to additional representations that had been received in relation to the application since publication of the report; these did not raise new material planning considerations. A further two conditions were recommended relating to the use of the building and also the hours of use, which were as set out in the Update Sheet.

During public participation, Christopher Martyn spoke in objection to the application and Dave Cartwright (College Vice-Principal) spoke in support of the application 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 set out in the Report and the Update Sheet, subject to an additional amendment to condition 24 (as set out in the Update Sheet) that the building hereby permitted shall only be used between the hours of 07:00 – 22:00 Monday to Friday; 08:00 – 18:00 on Saturday and at no times on Sundays.

Item 2: Demolition of 15 Chilbolton Avenue, and erection of 12 new residential dwellings, consisting of 10 x two-bedroom apartments and 2 x three-bedroom houses with associated parking and landscaping.  
- 15 Chilbolton Avenue, Winchester  
Case number: 17/00336/FUL

The Head of Development Management referred Members to the Update Sheet which outlined the consultation response from Hampshire County Council Surface Water Management Team, who had raised no objection. The Update Sheet also referred to a clarification of the Report's assessment

relating to impact on residential amenity (in relation to the movement of a balcony) and also an amendment to the recommendation to include the requirement for a Section 106 legal agreement in respect of an affordable housing contribution.

During public participation, Susan Antonio and Dr Antonio spoke in objection to the application and Chris Rees (Agent) and Hugh Thomas (Architect) spoke in support of the application and all answered Members' questions thereon.

During public participation, Councillor Thompson also spoke on this item as a Ward Member.

In summary, Councillor Thompson stated that the application should be refused due to the loss of amenity to the neighbouring property, 15(a) Chilbolton Avenue. The proposal would be overbearing and oppressive to 15 (a) and would result in additional vehicular movements on to a busy road. There were still planning permissions that were current, and one previous application had been rejected on the grounds of loss of amenity and impact on 15 (a). The bulk, scale and massing would dominate the neighbouring property and was contrary to the Chilbolton Avenue Local Area Design Statement. There were balconies on all three floors and the comment concerning balconies in the Update Sheet required explanation. There would be a loss of amenity and privacy to the garden of 15 (a). There had been a number of recent residential developments in Chilbolton Avenue with no improvements to traffic schemes or a reduction in speed limits.

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 the Update Sheet subject to the inclusion of an additional condition to seek the removal of permitted development rights relating to minor operations under Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 in respect of the triangle of land within the red line of the application site, but that was located within designated countryside, with the exact wording delegated to Head of Development Management in consultation with the Chairman.

Item 3: Demolition of existing privy block and erection of new two storey restaurant extension.

- 20-21 The Square, Winchester

Case number: 17/01769/LIS

During public participation, Simon Bridbury (applicant) spoke in support of the application and answered Members' questions thereon. Councillor Tait was present during public participation to answer questions arising from the Committee prior to his withdrawal from the meeting.

At the conclusion of debate, the Committee agreed to defer the decision to a meeting of the Planning (Viewing) Sub Committee to be held on Thursday 30 November 2017 at 10.30am. The Planning (Viewing) Sub Committee would

visit the site in order to gain a better appreciation of the proposal in the context of its setting and its relationship with neighbouring listed buildings.

Item 4: Demolition of existing privy block and erection of new two storey restaurant extension.

- 20-21 The Square, Winchester

Case number: 17/01768/FUL

During public participation, Simon Bridbury (applicant) spoke in support of the application and answered Members' questions thereon.

At the conclusion of debate, the Committee agreed to defer the decision to a meeting of the Planning (Viewing) Sub Committee to be held on Thursday 30 November 2017 at 10.30am. The Planning (Viewing) Sub Committee would visit the site in order to gain a better appreciation of the proposal in the context of its setting and its relationship with neighbouring listed buildings.

Item 5: Two storey side and rear extension, first floor extension, internal alterations

- Brown Eaves, 170 Main Road, Colden Common

Case number: 17/02350/HOU

The Head of Development Management referred Members to the Update Sheet which made reference to a further letter of support from a neighbour to the north of the site. In addition, condition 01 of the report required that the development be implemented within three years of the date of consent. The Head of Development Management indicated that if permission is granted for Items 5 and 6, and due to the retrospective nature of the linked proposal in item 6, this period should be shortened. The Committee was therefore asked to delegate authority to the Head of Development Management and Chairman to agree an appropriate period.

During public participation, Lisa Davis and Mrs Glasspool (Colden Common and Twyford Parish Council) spoke in objection to the application and Kate Clifford (Agent) and Mrs Ratcliffe (mother of the applicant) spoke in support of the application and all answered Members' questions thereon.

During public participation, Councillor Cook also spoke on this item as a Ward Member.

In summary, Councillor Cook stated that trees had been removed from the application site, including four large oak trees. There had been an impact on the garden at the neighbouring property at Tanglemead due to water seepage. The size of the proposed balcony required reconsideration and that it overlooked a child's bedroom (at Tanglemead). The hours of construction also required consideration as the application property was located on Main Road, Colden Common, which was very busy. It was suggested that construction hours be restricted from 9:00am to 4:30pm Monday to Friday; 9:00am to 1:00pm on Saturday, with no construction on Sundays. There were also concerns at the inconsiderate parking of construction vehicles that

restricted pavement access on Main Road. The site also required shrub and tree planting.

At the suggestion of a Member, the Committee agreed that should the application be approved a landscaping condition be included in order that neighbouring properties were screened (to include evergreen species) and that a permeable surface treatment be included in order to reduce the water runoff.

At the conclusion of debate, the Committee agreed to refuse permission for reasons that the application did not overcome the previous reasons for refusal as set out on page 59 of the Schedule, subject to amendment to the wording to reflect that the proposal consists of extensions and alterations to the existing dwelling as a householder application.

Item 6: Temporary use of the outbuilding for accommodation during building works to main dwelling.

- Brown Eaves, 170 Main Road, Colden Common

Case number: 17/02063/FUL

The Head of Development Management referred Members to the Update Sheet which made reference to the description of development being amended to include reference to the retention of the building as well as the temporary use. Further, the applicant's consultant had requested that the floor layout of the outbuilding, during its temporary residential occupation, retain the existing wall subdividing the rear room; this would provide two temporary bedrooms which was more appropriate accommodation as the applicant and her adult son would be living there. This would necessitate changes to the wording of conditions 2 and 4. It was also recommended that condition 3 should be amended so that it better related to condition 1 to ensure that it was not occupied for longer than two years and wording for the revised condition 3 was provided in the Update Sheet.

During public participation, Lisa Davis and Mrs Hill (Colden Common and Twyford Parish Council) spoke in objection to the application and Kate Clifford (Agent) and Mrs Ratcliffe (mother of the applicant) spoke in support of the application and all answered Members' questions thereon.

During public participation, Councillor Cook also spoke on this item as a Ward Member.

In summary, Councillor Cook stated that she supported the comments of objection made by Lisa Davis and Mrs Hill on behalf of Colden Common and Twyford Parish Council. On visiting the site she was perplexed as to why there were two front doors to the annex and why a security light shone on to the neighbouring property, Tanglemead. One of the two entrance doors should be removed and bricked up. The annex was also constructed 10 centimetres higher than permitted development would allow, and this measurement should be removed from the top of the annex. The annex was

well built and represented back garden development, which was not needed in Colden Common.

At the conclusion of debate, the Committee concluded that the previous reasons for refusal had not been overcome and agreed to refuse permission by reason of planning policy MTRA4, in that the annex would be a new dwelling in the countryside. The exact wording was to be delegated to the Head of Development Management in consultation with the Chairman.

Item 7: Replace the existing single concrete prefab garage with a new garage on the same footprint (amended plans).

- 28 Canon Street Winchester

Case number: 17/01377/HOU

During public participation, John Thompson and Peter Matthews spoke in objection to the application and both answered Members' questions thereon. Arising from comments made by Mr Matthews during public speaking, the Planning and Information Solicitor stated that in respect of the red line on the application plan, the correct land ownership would need to be clarified before the application was determined.

During public participation, Councillor Mather spoke on this item as a Ward Member.

In summary, Councillor Mather stated that she supported the objections to the application on the grounds of loss of light to 1 St Swithun Street and the effect on its amenity, including the manoeuvring of cars to access the new garage. Light was required to 1 St Swithun Street as it was a terrace house and required light to its side window. There was also the potential noise from the internal lift in the replacement garage with the potential significant loss of amenity to the occupier of 1 St Swithun Street both during the day and night. The City of Winchester Trust had also highlighted potential problems of the constrained space for the manoeuvring of cars. She asked the Committee to refuse the application.

At the conclusion of debate, the Committee agreed to refuse permission due to the impact on the amenity of the neighbour (at 1 St Swithun Street) – planning policies DM17 (vii) and (viii) refer, with the exact wording for refusal delegated to Head of Development Management in consultation with the Chairman.

Item 8: Proposed first floor extension and internal alterations

- Pear Tree Cottage, Mill Lane, Bishops Sutton

Case number: 17/02116/HOU

During public participation, Mark Hodnett spoke in objection to the application and 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 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 decision relating to each item, subject to the following:

(i) That in respect of item 1 (Peter Symonds College), an additional amendment to condition 24 (as set out in the Update Sheet) be included that the building hereby permitted shall only be used between the hours of 07:00 – 22:00 Monday to Friday; 08:00 – 18:00 on Saturday and at no times on Sundays.

(ii) That in respect of item 2 (15 Chilbolton Avenue), an additional condition to seek the removal of permitted development rights relating to minor operations under Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England ) Order 2015 in respect of the triangle of land within the red line of the application site, but that was located within designated countryside, with the exact wording delegated to the Head of Development Management in consultation with the Chairman.

(iii) That in respect of items 3 & 4 (20-21 The Square), the decisions be deferred to a meeting of the Planning (Viewing) Sub Committee to be held on Thursday 30 November 2017 at 10.30am. The Planning (Viewing) Sub Committee would visit the site in order to gain a better appreciation of the proposals in the context of their setting and the relationship with neighbouring listed buildings.

(iv) That in respect of item 5 (Brown Eaves, 170 Main Road), permission be refused for reasons that the application did not overcome the previous reasons for refusal as set out on page 59 of the Schedule (The replacement dwelling proposed is substantially larger than the one it replaces and by reason of its scale, mass and size is contrary to Policy DM16, DM17 and DM23 of Winchester District Local Plan Part 2 and is therefore harmful to the character and appearance of the area), subject to amendment to the wording to reflect that the proposal is extensions and alterations to the existing dwelling as a householder application.

(v) That in respect of item 6, permission be refused as the previous reasons for refusal had not been overcome by reason of planning policy MTRA4, in that the annex would be a new dwelling in the countryside, with the exact wording delegated to the Head of Development Management in consultation with the Chairman.

(vi) That in respect of item 7, permission be refused due to the impact on the amenity of the neighbour (at 1 St Swithun Street)

– Planning Policy DM17 (vii) and (viii) refers, with the exact wording for refusal delegated to the Head of Development Management in consultation with the Chairman.

### 3. **EXEMPT BUSINESS**

RESOLVED:

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

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

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##		) Information relating to any individual (Para 3 Schedule 12A refers)
	Enforcement Report	)
		) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (Para 5 Schedule 12A refers)
		)
		) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime. (Para 7 Schedule 12A refers)
		)

### 4. **ENFORCEMENT REPORT** (Report PDC1097 refers)

The Committee considered a report which set out the Council's options regarding a prospective enforcement action (detail in exempt minute).

After giving careful consideration to the personal circumstances of the occupier of the site, who had been invited to the meeting to make a personal representation, the Committee agreed to authorise direct action and further legal proceedings (should it be necessary) to secure compliance with the enforcement notice, as detailed in the exempt minute.



The meeting commenced at 9.30am and adjourned for lunch between 12.10pm and 2.00pm and concluded at 5.15pm.