

**PLANNING COMMITTEE**

**14 December 2017**

Attendance:

Councillors:

Ruffell (Chairman) (P)

Clear (P)

Evans (P)

Gottlieb (P)

Izard (P)

Jeffs

Laming (P)

Read (P)

Tait (P)

Deputy Members:

Councillor Berry (Standing Deputy for Councillor Jeffs).

Others in attendance who addressed the meeting:

Councillors Bell, Learney, Tod, Warwick and Weir.

Others in attendance who did not address the meeting:

Councillor McLean.

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1. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 16 November 2017 (Less Exempt Appendix) and the minutes of the Planning (Viewing) Sub Committee held on 30 November 2017 be approved and adopted.

2. **PLANNING APPLICATIONS SCHEDULE**  
(Report PDC1099 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 PDC1099.

Councillor Clear made a personal statement that she was a Ward Member for Southwick and Wickham in respect of item 1, but she had taken no part in consideration of the application.

Councillor Evans made a personal statement that she was a Ward Member for Southwick and Wickham in respect of item 1, but she had taken no part in consideration of the application.

Councillor Berry made a personal statement that she was a Ward Member for St Barnabas in respect of items 2 and 3, but she had taken no part in consideration of these applications.

Councillor Tait made a personal statement in respect of item 3 as he was a resident at 2 Berewecke House, to the rear of 14 Berewecke Road, but the application did not impact on him as he could not see the site from his property, and he would therefore speak and vote on this item. He also clarified that although he had supported an earlier application on the site, he had not made up his mind on the current application and had therefore not predetermined the application.

Councillor Laming made a personal statement in respect of item 5 that he would speak as Ward Member for Badger Farm and Oliver's Battery in objection to the application, sitting apart from the Committee, and he did not vote on this item.

Councillor Ruffell made a personal statement that he was a Ward Member for Upper Meon Valley in respect of item 6, but had taken no part in consideration of the application and he would remain as Chairman for this item.

At the invitation of the Head of Development Management, the Committee had visited the sites relating to Items 2 and 5 on 13 December 2017, to assist them in assessing the proposed developments in relation to their setting and relationship with neighbouring properties. The site visits were attended by Members present on the Committee, with the exception of Councillors Evans, Gottlieb and Izard. The Planning and Information Solicitor advised that there was no obligation on Members to attend pre-emptive site viewings which were organised where the Head of Development Management believed that a site visit would assist the Committee.

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

Item 1: Erection of 1 x 5 bed detached dwelling house with associated car port and new vehicular access from Firgrove Lane. (Affects the setting of a footpath)

1 The Old Piggery, Firgrove Lane, North Boarhunt

Case number: 17/02302/FUL

The Head of Development Management referred Members to the Update Sheet which stated that the Head of Landscape's ecology comments should be amended to read 'additional information is required before any positive decision can be made'.

During public participation, Councillor Dell representing Boarhunt Parish Council spoke in objection to the application and answered Members' questions thereon.

At the conclusion of debate, the Committee agreed to refuse permission for the reasons set out in the Report and an additional reason that the application was contrary to policy MTRA3 as it was not the infilling of a small site; it was not in a form that was compatible with the character of the area and it was also not a continually developed road frontage, with the exact wording delegated to the Head of Development Management in consultation with the Chairman.

Item 2: Removal of existing house and erection of 5 No new dwellings with parking and associated landscaping.  
7 Stoney Lane, Winchester  
Case number: 17/02250/FUL

The Head of Development Management referred Members to the Update Sheet which referred to updates from the Head of Landscape – Trees to ensure that trees on site should not be adversely affected; an added condition and informative relating to Ecology referring to the translocation of reptiles and an amendment to Condition 7 relating to Drainage and the disposal of foul and surface water and also an amendment to condition 17 from drawing no. '7311 D1 rev. D' to '7311 D1 rev. E'. There had also been two further letters from neighbours reiterating objections and requesting again additional information with regard to the relationship of the development with 5 and 6 Stoney Court. Subsequent to additional information being provided, a further letter had been received querying the accuracy of the plans.

During public participation, Jane Parker spoke in objection to the application on behalf of local residents and Jason Murphy (Agent) spoke in support of the application and all answered Members' questions thereon.

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

In summary, Councillor Learney stated that the character of the area was suburban, with a sloping nature, and the development needed to be acceptable, not just for its neighbours but also for the residents of the five family houses on the site, which represented overdevelopment. There had been further development in the local area with access onto Stoney Lane, and pre-application discussions on further sites, and the point had been reached where such development was wrong for this type of site due to the dense development. A key concern was the overbearing nature of the development in relation to neighbours at the rear due to the slope of the site and that there was little in the way of tree cover, which would be difficult in the winter. Drainage was also a problem and this needed to be resolved early on during any development, as the site did flood. The proposed density and nature of the site led to a compromised development. The long access track (to the rear properties) would lead to conflict points (for traffic) and there was no

visitor parking. Some properties were not lifetime dwellings as they could not support disabled living. The applicant needed to submit a more acceptable proposal.

At the conclusion of debate, the Committee agreed to refuse permission by reason of Policy DM15, the cumulative effect on the local character of the area and its distinctiveness; policy DM16 in that its character, design layout and boundary treatment did not respond positively to surrounding properties and Policy DM17 and the effect on townscape and landscape as the change in the quantum of development would represent overdevelopment which would be harmful to neighbours, with the exact wording delegated to the Head of Development Management in consultation with the Chairman.

Item 3: New two storey, two bedroom house with new access from Bereweeke Road.

The Corner House, 15 Bereweeke Close, Winchester

Case number: 17/02356/FUL

During public participation, Colin Dickens and Eryl Smith spoke in objection to the application and Chris Carter (Agent) spoke in support of the application and all answered Members' questions thereon.

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

In summary, Councillor Weir stated that the officer's recommendation was to refuse the application. It was a small plot and the design and layout was disproportionate and awkward in the garden. The application did not have a positive effect on the character of the area and impacted on the road. The point of access was well used, with a green frontage, and (Bereweeke Road) needed to provide a safe route to schools. A further consideration was how (Bereweeke Road) would be developed in the future if plots were "shoehorned in", as this would lead to an irreversible erosion of the character of the road and therefore careful planning was required.

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

Item 4: Demolition of existing rear extension and addition of new Lower Ground and Upper Ground Floor rear extension. Internal alterations, including lowering of Lower Ground Floor level. Adjustment of window size to the First Floor on the rear elevation. Addition of new bicycle store and bay window to Lower Ground Floor to the front of the property.

30 Clifton Road, Winchester

Case number: 17/02004/HOU

The Head of Development Management referred Members to the Update Sheet which stated that an additional letter of support from the applicant had been submitted since publication of the Report but that this had not raised new planning issues. In addition, on page 36 of the Report, in the penultimate

paragraph there was a typing mistake in the last line which should read 'modern contrast' and not 'modern contract'.

During public participation, James Mallinson spoke in objection to the application and John Hearn (Agent) spoke in support of the application and all answered Members' questions thereon.

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

In summary, Councillor Tod stated that he supported the officer's recommendation to refuse the application. The context of the application site was critical. The framing and setting of The Arbour made it special, as recognised by the West Fulford and Oram's Arbour Neighbourhood Design Statement. Permitted Development Rights were limited and the Historic Environment Officer's response (to consultation) referred to its setting. The 1890 setting (of the development) was present today and should be maintained. There was concern as to the establishing of a precedent and impact of the proposals on the front (of the dwelling). There were also concerns over the rear elevation as it related to number 31 Clifton Road, as there were very steep gradients and the size of the extension was of concern in this context. This aspect needed to be looked at as further precedent for development could be set. He asked that the application be refused.

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 Tuesday 9 January 2018 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 buildings.

Item 5: (Nov 2017 Revised Drawings View Perspectives and Landscape Plan) Alterations to extant planning permission ref: 16/00320/FUL: Repositioning of dwelling, alterations to site levels and exterior materials, amendments to landscaping and boundary treatment. Texas, Texas Drive, Oliver's Battery Case number: 17/02190/FUL

The Head of Development Management referred Members to the Update Sheet which stated that since the agenda was published a further seven letters of objection had been received as a result of further consultation in respect of the landscape plan and visuals submitted. Oliver's Battery Parish Council had also commented further on the amended plans as set out on the application file. There was an amendment to condition 9 requiring that if the development was approved, it should be constructed in accordance with specified plans.

During public participation, Graham Andrews and Councillor Mitchener (Oliver's Battery Parish Council) spoke in objection to the application and Jeremy Tyrell (Agent) and Sarah Ansty (applicant) spoke in support of the application and all answered Members' questions thereon. Sarah Ansty

stated that she would be willing to liaise with the Council to submit an amended plan to rectify the 'dip' in the landscaping by re-contouring the site.

During public participation, Councillors Bell, Laming and Warwick also spoke on this item as Ward Members.

In summary, Councillor Bell stated that local residents in Oliver's Battery were angered at this retrospective application which maligned the planning system. She outlined the history of the site and that the area was open land for recreation and designated local gap. The application ignored its setting in history being a large private dwelling which was at odds with its landscape, rather than the cabin style structures and smallholdings on Texas Drive. The access was difficult to find and was a track for residents and dog walkers. A planning application for a 5/4 bedroom dwelling in 2013/14 was refused due to its size and impact and that it diminished the local gap. However, the foundations put in place were sited incorrectly and it was only recently that it had been stated that the changes were to accommodate an elderly mother of the applicant.

In summary, Councillor Laming stated that the planning permission had not been adhered to and the changes made did not conform (to the permission). The granted permission would be for well screened development and by moving the development four metres forward to the front it was far more imposing than the original and dominated the valley landscape contrary to policy DM23 and CP20. The proposal was a large dwelling at 572 square metres and was not to plan and the angle of the building had been changed. The landscape was to be little changed as it was a Site of Special Scientific Interest (SSSi), however the natural screening had been removed and it did not accord with the landscaping plan. There had been earthworks on the whole site which could be seen from a wide area, with a lot of the earth works carried out without archaeological investigation. The escarpment had been removed to create a low earth bund and the potential for a manege. Vehicular access was tight and had multiuse including being the main entrance to the recreation ground. Delivery vehicles were unable to use the access drive for delivery. There was strong local objection to the application.

In summary, Councillor Warwick stated that there were objections to the changes in site levels and that it was a retrospective application. Policy DM 23 applied as it was in the countryside and local gap. The front of the dwelling was now four metres forward with four car parking spaces and added to the domestication of the site. The new layout, hardstanding and landscaping would be unacceptable and be harmful in the countryside and affect the public right of way. The type of traffic (relating to equine activity) would be harmful to the rural characteristic and would be unhelpful in the narrow access road. The application was not in the spirit of policies DM23 and DM3. The landscape scheme was essential to minimise concerns as to visual intrusion in the long term. The applicant had not sought permission for the levelling of an area to create a horse manege and the earthworks had been carried out without permission which could cause visual impact (and there were no details of the materials to be used). There would be an impact

on traffic to and from the access lane and the impact related to the development should be minimised. The Oliver's Battery Village Design Statement referred to Roman archaeology and conditions 3 and 4 of the permitted application detailed a programme of archaeology and field work, which should be reported to the Committee. If permission was granted then Permitted Development Rights should be removed in order to prevent any further extension to the building.

At the conclusion of debate, the Committee agreed to refuse permission as the application was contrary to policy CP13, CP18 and CP20, the overall strategy, and policy DM15, DM16, DM17 and DM23 as the application site was outside of the settlement boundary and was visually intrusive in a sensitive landscape setting, visible in long important views into the site from public views and the remodelling of the original natural topography with the exact wording delegated to the Head of Development Management in consultation with the Chairman.

**Applications inside the area of the South Downs National Park (SDNP):**

Item 6: Erection of new dwelling (RESUBMISSION) (Amended plans 10/11/17)

Land adjacent to Appletree Cottage, Chilcomb, Winchester, Hampshire  
Case number: SDNP/17/03969/FUL

During public participation, Piers Sherlock spoke in objection to the application and Ian Ellis (Agent) and Harry Dhand (Applicant) spoke in support of the application and all answered Members' questions thereon.

At the conclusion of debate, the Committee agreed to refuse permission for the reasons that in accordance with policies MTRA3 CP18 and CP19 the proposed dwelling was not situated within a small site; it did not sit within a continuous developed road frontage and it was not compatible with the surrounding area in terms of its form and design and relationship with the adjacent listed building with the exact wording delegated to the Head of Development Management in consultation with the Chairman.

**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, (1 The Old Piggery, Firgrove Lane, North Boarhunt) the application be refused permission for the reasons set out in the Report and additionally the application was contrary to policy MTRA3 as it was not the infilling of a small site; it was not in a form that was compatible with the character of the area and it was also not a continually developed road frontage.

The exact wording would be delegated to the Head of Development Management in consultation with the Chairman.

(ii) That in respect of item 2, (7 Stoney Lane, Winchester) the application be refused permission by reason of Policy DM15, the cumulative effect on the local character of the area and its distinctiveness; policy DM16 in that its character, design layout and boundary treatment did not respond positively to surrounding properties and Policy DM17 and the effect on townscape and landscape as the change in the quantum of development would represent overdevelopment which would be harmful to neighbours. The exact wording would be delegated to the Head of Development Management in consultation with the Chairman.

(iii) That in respect of item 4, (30 Clifton Road, Winchester) the decision be deferred to a meeting of the Planning (Viewing) Sub Committee to be held on Tuesday 9 January 2018 at 10.30am.

(iv) That in respect of item 5, (Texas, Texas Drive, Oliver's Battery) the application be refused permission as the application was contrary to policy CP13, CP18 and CP20 of the core strategy, and policy DM15, DM16, DM17 and DM23 as the application site was outside of the settlement boundary and was visually intrusive in a sensitive landscape setting visible in long important views into the site from public views and the remodelling of the original natural topography. The exact wording would be delegated to the Head of Development Management in consultation with the Chairman.

2. That the decisions taken on the Development Control Application in relation to those applications inside the area of the South Downs National Park be agreed as set out in the decision relating to each item, subject to the following:

(v) That in respect of item 6, (land adjacent to Appletree Cottage, Chilcomb) the application be refused permission for the reasons that in accordance with policies MTRA3 CP18 and CP19 the proposed dwelling was not situated within a small site; it did sit not within a continuous developed road frontage and it was not compatible with the surrounding area in terms of its form and design and relationship with the adjacent listed building. The exact wording would be 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>
	Minutes of the previous meeting held on 16 November 2017 - Enforcement report (Exempt Minute)	) Information relating to any individual (Para 3 Schedule 12A refers) ) ) 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. **MINUTES OF THE PREVIOUS MEETING HELD ON 16 NOVEMBER 2017 (EXEMPT MINUTE)**

RESOLVED:

That the exempt minute of the previous meeting of the Committee held on 16 November 2017 be approved and adopted.

The meeting commenced at 9.30am and adjourned between 13.00pm and 2.00pm and concluded at 5.15pm.

Chairman