

PLANNING DEVELOPMENT CONTROL COMMITTEE**10 November 2005**Attendance:

Councillors:

Busher (Chairman) (P)

Baxter (P)

Bennetts (P)

Beveridge (P)

Chapman (P)

Davies (P)

Evans (P)

Jeffs (P)

Johnston (P)

Mitchell (P)

Pearce (P)

Pearson (P)

Read (P)

Saunders (P)

Sutton (P)

Others in attendance who addressed the meeting:

Councillors Campbell and Macmillan

473. CHAIRMAN'S ANNOUNCEMENT

The Chairman welcomed to the meeting Mrs Fiona Tebbutt, who had been appointed to the Council as the Head of Planning Control.

474. MEMBERSHIP OF SUB-COMMITTEES ETC

The Chairman reported that following the appointment of the Planning (Viewing) Sub-Committee at the meeting on 9 November to visit Freeman's Yard, Cheriton on 23 November 2005, she was now unable to attend this meeting and asked whether the Committee would be agreeable to changing the date and time.

RESOLVED:

That the Planning (Viewing) Sub-Committee visit Freeman's Yard, Cheriton at 9.30 am on Friday 25 November 2005 and that the Sub-Committee membership remain as Chairman and Vice-Chairman and Councillors Pearce, Pearson and Jeffs.

475. DEVELOPMENT CONTROL APPLICATIONS

(Report PDC597 refers)

The schedule of development control decisions arising from the consideration of the above report is circulated separately and forms an appendix to the minutes.

Councillor Beveridge declared a personal and prejudicial interest in respect of item 5 as the applicant was well known to himself and he withdrew from the meeting during consideration of this item.

Councillor Bennetts declared a personal (but not prejudicial) interest in respect of item 5 as he knew the applicant and he spoke and voted thereon.

Councillor Evans declared a personal (but not prejudicial) interest in respect of item 5 as she knew the applicant and she spoke and voted thereon.

Councillor Pearson declared a personal (but not prejudicial) interest in respect of item 3 as he knew one of the neighbours to the application site but he had not discussed the application with them and he spoke and voted thereon.

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

In respect of item 4 – land to the rear of Ballakitch and Merries, Highways Road, Compton, Mr Rees and Mr Dolphin (speaking on behalf of Compton and Shawford Parish Council) spoke in objection to the application and Mr Carrington spoke in support.

The Director of Development requested that three additional conditions be included in any granting of planning permission, to include details of acoustic fencing; details of demolition (to satisfy an enquiry from the Environment Agency as the site was located within a sensitive location with respect to groundwater), and details of foul and surface drainage (at the request of Southern Water). The Director added that Councillor Beckett, a Ward Member, had submitted written objection that the development would be out of keeping with the character of the area and had raised concerns at the increased use of the access.

At the invitation of the Chairman, Councillor Macmillan, a Ward Member, spoke on this item. In summary, he provided details to the Committee of developments in the local area, including the nearby Tilden Road development and also referred to the progress of the emerging Local Plan. He stated that the emerging Local Plan identified alternative sites such as West of Waterlooville, which would meet the District's housing requirements without the need for development as proposed. The application sought high density development which was out of character with the rural nature of the area, would reduce the quality of life for existing residents and was less sustainable than alternative developments. He also had concerns at the erosion of the strategic and local gap by the proposed development. He gave examples of comparable developments within the local area that had been refused planning consent by the Planning Inspector in terms of character and appearance and on highway grounds, such as Highdown. He concluded that alternative sites were more suitable for development and provided a better use of resources without the impact on the immediate environment as would be encountered by the proposed development.

In reply to Councillor Macmillan's statement, the Director of Development explained that the Planning Inspector's decision at Highdown was not comparable, as it had focussed on the sub-standard highway visibility into Shepherds Lane and Hurdle Way, Compton. The proposed development site was not in a strategic or local gap and the site was deemed to be sustainable by virtue of its inclusion within the development area as defined in the Local Plan.

The Director added that the recommendation referring to the proposed legal agreement should also be clarified, to state that in respect of the 6.6 units of affordable housing to be provided, 6 would be accommodated on site and a financial contribution would be made towards the provision of 0.6 units off site.

Following debate, the Committee agreed to grant planning permission on the application, subject to the additional conditions and clarification of the legal agreement as explained by the Director of Development, together with further

conditions relating to protection of trees during the construction period and that the access road be partially completed before development commences on site.

In respect of item 5 – South Parsonage Farm, Bunstead Lane, Hursley, Mr M Ayre spoke in objection to the application and Mr Leyton, applicant, spoke in support. During his representations, Mr Leyton made reference to a letter received from the Director of Development, which he stated contained reference to the amended plans for the garage which he interpreted as providing valid planning permission. However, on inspection of the letter, the Director of Development stated that it referred to the discharge of planning conditions and did not relate to providing the granting of planning permission for the garage. Nevertheless, the Director advised that any ambiguity within the letter should be disregarded by the Committee and the application before it should be judged on its own merits. Following debate, the Committee agreed to grant planning permission as set out.

In respect of item 6 – Fairways, Forester Road, Soberton Heath, Councillor Campbell spoke on this item as a Ward Member at the invitation of the Chairman. The application site had been the subject of a site visit by the Committee's Planning Development Control (Viewing) Sub-Committee on 24 October 2005, and the minutes of that meeting were also considered at the meeting (Report PDC595 refers). In summary, Councillor Campbell stated that the proposed dwelling would occupy the full width of the plot, leaving only a three foot wide alleyway to access a side door. This narrow access would block off further access to the rear of the property. Forester Road was a rural area in character and the proposed dwelling would introduce a more urbanised appearance, with a parking space to the front of the dwelling, rather than the gardens and hedges of other properties. It was accepted that the application site provided the opportunity for a single dwelling, but this could be for a smaller unit, as the proposals represented over-development, urbanisation and an adverse change to the character of the street scene.

In reply to Members' questions, the Director of Development explained that the proposed dwelling was 155 square metres in size and therefore was a smaller dwelling; that the proposal must be assessed against the adopted local plan, as the emerging local plan policy H.3 was under review following the Inspector's findings; and that the Highway Development Control Engineer had commented that as the road was unclassified, it was not possible to sustain a highway reason for refusal on cars reversing from the front of the dwelling onto Forester Road. Following debate, the Committee agreed to grant planning permission on the application as set out.

In respect of item 3 – 82 Olivers Battery Road North, the Committee agreed to grant planning permission and to delegate authority to the Director of Development, in consultation with the Chairman, to clarify the issue of archaeology on the site and to add an additional condition to relate to archaeology if appropriate.

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 3 – 82 Olivers Battery Road North, authority be delegated to the Director of Development, in consultation with the Chairman, to clarify the issue of archaeology on the site and to add an additional condition to relate to archaeology if appropriate.

476. **PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**
(Report PDC595 refers)

The Committee considered the minutes of the Planning Development Control (Viewing) Sub-Committee held on 24 October 2005 (attached as Appendix A to the minutes).

The minutes of the Sub-Committee had been considered under the item referring to Development Control Applications (Report PDC597 refers).

RESOLVED:

That the minutes of the meeting of the Planning Development Control (Viewing) Sub-Committee held on 24 October 2005 be approved and adopted.

477. **PLANNING IMPROVEMENT AND PLANNING DELIVERY GRANT**
(Report CAB1110 refers)

The Director of Development reported that the Planning Improvement and Planning Delivery Grant report (Report CAB1110 refers) had been considered by Cabinet on 12 October 2005 (Min. 390 refers). Under the Council's committee structure, it would be for the Environmental Scrutiny Panel to examine the detail of the new working arrangements.

The Director commented that following an internal review of working procedures, the processing of minor and other planning applications was performing above the set targets, but those for major applications were more difficult to achieve and the Council was taking a number of steps to improve systems to meet its targets.

In answer to Members' questions, the Director explained that to increase the number of refusals in order to achieve statistical returns on determinations, the Council also needed to take into consideration the number of appeals that the Council won or lost. At present, the Council lost approximately 33% of all planning appeals, which was a national average figure, but the target was to achieve 25% over the next few years. The Committee agreed that statistics on planning appeals and the speed of decision making should be submitted on a regular basis to the Planning Development Control Committee.

The Committee debated the consultation with Parish Councils over the proposed changes. The synchronicity between the Planning Development Control Committee's three-weekly cycle and the cycle of meetings of parish councils' planning committees was considered. The need for close working relationships between Parish Councils and Ward Members was recognised, as was the need for Parish Councillor training about the new system.

In addition, the Committee debated the mechanisms for six or more representations contrary to the officer's recommendation being received to trigger an item going to Committee. A Member commented that, in rural areas, this may be more difficult to achieve and the objector or supporter was then reliant on the support of the Ward Member(s) or the Parish Council to bring an item to Committee. After discussion, it was agreed to adhere to six or more representations being required, as agreed by Cabinet.

The phasing of the introduction of the new working arrangements was considered. The Director stated that due to the various lead-in times for each proposal, it was proposed that they would be introduced from 1 December 2005. The need to provide detailed information for Members and Parish Councils on the proposed changes was noted, as was the encouragement for Members to contact by email case officers to clarify their queries on an item in advance of the meeting.

The Committee supported the Director's suggestion that on future Agendas, there should be no split between East and West Teams for public participation items and that meetings would commence at 9.30am. The Head of Planning Control was requested to use discretion on the organising of the Committee's Agenda to best meet the Committee's objectives.

RESOLVED:

That the Planning Improvement Plan be approved for implementation and that the consequential amendments to the Constitution as set out in Appendix 2 be approved, subject to paragraph 1 (iv) being amended to read as follows: "6 or more representations, which the Head of Planning Control considers relate to material planning considerations, are received from separate individual addresses which are contrary to the officer's recommendations."

The meeting commenced at 2.00 pm and concluded at 6.25 pm.

Chairman

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**24 October 2005**Attendance:

Councillors:

Busher (Chairman) (P)

Davies (P)

Evans (P)

Johnston (P)

Mitchell (P)

Others in attendance who addressed the meeting:

Councillor Campbell

Officers in Attendance:

Mrs J Pinnock (Principal Planner)

478. **APOLOGIES**

Apologies were received from Councillor Jeffs who had been appointed to this Sub-Committee at the Planning Development Control Committee on 6 October 2005 and (in accordance with Council Constitution, Part 3, paragraph 4.2), the Sub-Committee noted that Councillor Mitchell had been appointed as his replacement.

479. **NEW TWO-STOREY DWELLING AT THATCHERS YARD, ADJACENT TO FAIRWAYS, FORESTER ROAD, SOBERTON HEATH**

(Report PDC589 refers)

Councillor Busher declared a personal (but not prejudicial) interest in this application as she was acquainted with Mr Highland (Chairman of Soberton Parish Council) who had commented on the application and who spoke at the meeting. Councillor Busher spoke and voted thereon.

The Chairman welcomed to the meeting the applicant's architect (Mr Maclean), the occupiers of a neighbouring property, Randall Cottage (Mr and Ms Morgan), their agent (Ms Organ, who also represented the occupiers of the other neighbouring property, Fairways), representatives of Soberton Parish Council and Councillor Campbell as a Ward Member.

The Sub-Committee met on-site to consider a full planning application from Sudberry Developments for a two-storey dwelling between Randall Cottage and Fairways on Forester Road, Soberton Heath. The Sub-Committee had been convened following consideration of the application at the Planning Development Control Committee meeting on 6 October 2005, where Members had agreed to visit the site to evaluate the proposed dwelling's relationship to the neighbouring properties and for the agent to peg out the dwelling to view the relationship of the proposed dwelling to the site boundaries.

Mrs Pinnock explained that the application sought approval to erect a detached three bedroom dwelling 7.5 metres in height, 6.8 metres wide at the front, 7.3 metres wide at the rear and 8.9 metres deep at two storey and 13.4m deep in total that included a single storey element to the rear. The footprint of the building was 155 square metres and had been pegged out for the benefit of the Sub-Committee. Within this area, it was proposed that a group of fir trees be removed. The height of the proposed building would drop to single-storey at the rear at approximately the same line as the end of the neighbouring two-storey properties, where both neighbouring properties had erected rear, glass conservatories. Access for the proposed dwelling was at the side of the building, facing Fairways.

Members were concerned at the proximity of the proposed dwelling to existing neighbouring properties and noted that, at its closest, the new dwelling was 0.75m from Randall Cottage and 1.3m from its other neighbour, Fairways. Whilst Fairways had an open driveway between the dwelling and the proposed development, there was less space between buildings in respect to Randall Cottage. Randall Cottage had a single-storey side building that virtually abutted its boundary with the application site, and Mrs Pinnock advised that this drop in height retained the sense of space between buildings when viewed from the road.

Members also noted that the single-storey side building of Randall Cottage was used as a utility room and that the two ground floor windows on the proposed dwelling that faced this aspect would be obscured by an appropriate boundary treatment. A condition was proposed that required full details of the boundary treatment and could include a 2m high fence. The only window at the first floor would serve the upstairs bathroom and would have obscured glazing. Fairways had no side windows facing onto the proposed dwelling.

In regard to consultation, Mrs Pinnock confirmed that written objections had been received from Soberton Parish Council and three local residents. In summary, these objections raised concerns regarding over-development of the site, over-looking, loss of light and parking and highways issues. Mrs Pinnock also confirmed that the City Council's Highway Engineer had concluded that it was not possible to sustain a highway reason for refusal only because the site did not provide sufficient space for turning. She therefore requested that if Members were minded to approve the application, Condition 6 be removed as this sought to provide sufficient space at the front of the dwelling for vehicles to enter and leave the site in a forward gear.

In addition, Mrs Pinnock suggested a further condition which required the applicant to peg the site and that this should be checked by an officer before construction commenced.

Mrs Pinnock recommended that the application be approved as its location fell within the recognised development frontage of Soberton Heath and that H2 Policy of the adopted Local Plan allowed development within this area subject to the development reflecting the character of the locality as well as other criteria. The site had also been identified in both the Urban Capacity Study and the 2003 Housing Monitoring Report as potentially suitable for residential development.

During debate, Members considered that a request to reduce the size of the dwelling was unlikely to be successfully defended at any subsequent appeal, given the similar size of the existing neighbouring properties.

In response to Members' questions, Mrs Pinnock confirmed that, if granted, permitted development rights would be removed, which would prevent the occupiers of the dwelling adding any extension to the dwelling without the benefit of planning permission. Members were also concerned that a garage could be built to the front of the site, however Mrs Pinnock confirmed that this would also require planning permission and that officers would not encourage such an application as it would detract from the street scene.

Members were concerned at the existing use at the rear of the application site that was used as a thatcher's store. Members noted that although there was no record which approved the site's current use, a neighbour reported that the site had been used by the thatching company for 100 years and currently had 7-8 employees. Members noted that the yard was little used during the day, and primarily used early in the mornings and evenings for loading and unloading before the employees left for various sites.

In response to questions, Mrs Pinnock advised that the existing business would be unable to operate from the site if the application was granted as it would no longer have access to Forester Road. As the site fell within the redline marking the application site, she further advised that the area would be cleared so as to form part of the private rear garden for the proposed dwelling. Whilst the Sub-Committee noted that no representations had been received from the thatchers, Members commented that any application to formalise the existing store and office, or its use by an alternative business operation was likely to be more detrimental to the neighbours' amenity than the proposed residential dwelling. Mrs Pinnock advised that any new building in this location to the rear of the plot would be contrary to countryside policies of the adopted and emerging local plan.

At the invitation of the Chairman, Mr Maclean spoke as the applicant's architect in support of the proposal. He commented on the thorough consultation process the application had undergone with planning officers. Mrs Pinnock distributed to Members a plan of a previous application which set the dwelling further back into the site and proposed a twin car-port to the front. However, this application had been withdrawn by the applicant primarily because of the detrimental effect on the street-scene.

In response to questions, Mr Maclean stated that large items of furniture could be brought into the dwelling through either the main entrance at the side, through patio doors at the rear (via a 1 metre wide footpath to the rear garden alongside Fairways) or through one of the 1 metre wide front windows.

Councillor Campbell spoke as a Ward Member and commented upon the dimensions of the proposed dwelling and access to the rear garden.

Mr Highland as Chairman of Soberton Parish Council explained that the Parish Council had objected to the proposal as they considered that it was detrimental to the amenity of existing neighbouring properties and that it was detrimental to the character of the locality, in that it was an over-development and eroded the space between buildings that were typical of the area.

Ms Organ spoke as a representative of the occupiers of both Fairways and Randall Cottage against the application. In summary, she commented that the proposed dwelling would overbear neighbouring properties and would result in a loss of light, particularly to their conservatories. She also stated that the application was contrary to the character of the area in that the proposed building was much deeper than

those around it and that, by virtue of it being the narrowest site in the road at 8.5 metres (most were 15-16metres wide), it would be the only dwelling to abut both side boundaries. She also stated that, if granted, the dwelling would be the only one in the road without a garage. In policy terms, Ms Organ questioned whether the site's inclusion in the Urban Capacity Study and the Housing Needs Survey had prejudged the application and reminded Members of the Government's recommended sequential approach to development that favoured sites with good public transport access local facilities, whereas the proposed site, in its rural location, had neither.

Mr Morgan (Randall Cottage) also spoke against the application and summarised that it was too big a property for such a narrow plot of land.

At the conclusion of the meeting, the majority of Members agreed that there were no grounds on which the application could be refused and therefore agreed its recommendation to the next meeting of the Planning Development Control Committee. The Chairman thanked those members of the public present for their contributions to the debate and stated that, whilst they were welcome to attend the next meeting of Planning Development Control Committee, the Council's procedures did not allow for them to participate in the debate again.

RECOMMENDED:

That the application be approved, (provided the applicant is prepared to make the appropriate provision for public open space through the open space funding system) - subject to the following conditions:

1 Conditions/Reasons

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

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

02 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwelling 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.

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

03 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building hereby permitted is occupied. Development shall be carried out in accordance with the approved details.

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

04 The first floor windows in the north east and south west side elevations of the dwelling hereby permitted shall be glazed in obscure glass and shall be fixed non-opening or top-opening details of which shall be submitted to and

approved in writing by the local planning authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

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

05 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 development permitted by Classes A, B, C, D and E of Parts 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

05 Reason: To protect the amenities of the locality and to maintain a good quality environment.

06 Before the development hereby approved is first brought into use, a minimum of two car parking spaces shall be provided within the curtilage of the site and thereafter maintained and kept available.

06 Reason: To ensure adequate car parking provision within the site in accordance with the standards of the Local Planning Authority.

07 The pegging out of the development shall be agreed on site with the local planning authority.

07 Reason: To accord with the terms of this planning approval

Informatives

01. 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.

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

Hampshire County Structure Plan Review: H1, H.5, UB3, T5, R2
Winchester District Local Plan Proposals: H.2, EN.5, EN.13, T.9, RT.3, E.2
Emerging Development Plan- WDLP Review Deposit and Revised Deposit:
H.3, DP.3, DP.10, DP.11, T.3, T.4, RT.3, E.2

03. Under the terms of the Water Resources Act 1991 this development may need a Discharge Consent from the Environment Agency. Permission might not be forthcoming.

The meeting commenced at 9.35am and concluded at 10.30am

Chairman