

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE

18 June 2007

Attendance

Councillors:

Jeffs (Chairman)
Saunders (Vice Chairman - in the Chair) (P)

Baxter
Busher (P)
Evans (P)
Huxstep (P)
Lipscomb

Johnston (P)
Pearce
Ruffell
Saunders (P)
Sutton

Officers in attendance:

Mr S Finch (Development Control West, Team Manager)
Ms F Sutherland (Planning Solicitor)
Mr J Jenkinson (Planning Officer)

1. **APOLOGIES**

Apologies were received from Councillors Baxter, Jeffs, Lipscomb, Sutton and Goodall (a Ward Member).

2. **DELL COTTAGE, WINCHESTER ROAD, SHEDFIELD -
(AMENDED DESCRIPTION) TO ALLOW THE PARKING OF TWO LORRY CABS
WITHIN THE CURTILAGE OF A RESIDENTIAL SITE – CASE NUMBER
07/00345/FUL**

(Report PDC688 refers)

The Sub-Committee convened at St John the Baptist Church's Study Centre, Church Road, Shedfield. The Chairman welcomed six members of the public to the meeting.

At its meeting held on 25 May 2007, the Planning Development Control Committee agreed to refer determination of the application to the Viewing Sub-Committee, so that it could assess the curtilage of the residential dwelling and the visual impact the proposal may have in the vicinity.

Immediately prior to the meeting, the Sub-Committee visited the site where the area within the 'red line' application area was demonstrated. This included extensive hard standing surrounding Dell Cottage, itself being significantly extended and improved. Members noted that the curtilage of the site, and land within its ownership, was extensive and included woodland adjacent to Winchester Road and beyond, towards a public footpath to the north. Mature trees provided some screening to Dell Cottage, which was also set lower than the surrounding area due to changes in ground levels. A large flat grassed area was situated north of Shedfield Recreation Ground to the right of the access to Dell Cottage from the Winchester Road.

Also prior to the meeting, Members viewed the application site from other locations in vicinity. In walking along Winchester Road to the east of Dell Cottage, limited views of the site were observed through trees and over a recently erected fence along the boundary. Dell Cottage and the site were generally well screened by woodland from

the public footpath to the north and was reasonably well screened from the northern boundary of Shedfield Recreation Ground to the south, although the site could be seen between gaps in the vegetation.

Councillor Huxstep declared a personal (but not prejudicial) interest in respect of the application because he had, as a Ward Member, been made aware through the Parish Council of concerns about the site when enforcement action had been initiated. He spoke and voted thereon. He had previously made the declaration at the Planning Development Control Committee on 25 May 2007.

Mr Jenkinson introduced the application and demonstrated that a significant area of the curtilage of Dell Cottage (in the applicant's ownership) included woodland under a blanket tree preservation order. He also explained that the permitted development rights of the property, could include the limited parking of commercial vehicles that were used by the owner for their own business. However, the level of use, and alterations to the site, had required a retrospective planning application in this case, but did not necessarily represent commercial redevelopment of the site. Furthermore, and in recommending the application's approval to the Sub-Committee, Mr Jenkinson explained that conditions to any subsequent permission (in particular Condition 2) would control the nature of commercial activity and protect the site and vicinity from further commercial activity at the site without permission

During the public participation part of the meeting, Mrs Smith spoke against the application. In summary, she reported that in addition to the lorry cabs, a number of other commercial vehicles were regularly stored at the site. She was concerned that the City Council would not be able to monitor, or have the capacity to enforce, the restrictions stipulated by the conditions of any subsequent planning permission.

Mrs Ford (resident of St Anne's Cottage, the closest dwelling to the application site) also spoke against the proposals. She was concerned about excessive noise from the site and requested that no applications for additional lorry cab parking on site be considered.

Mr Tutton (agent's applicant) spoke in support of the application. He explained that the Dell Cottage site already benefited from an operator's licence for the lorry cabs. He indicated that the planning application was submitted on a 'without prejudice' basis and that, in his view, consent was not required for the parking of the lorry cabs, notwithstanding the opinion of Council officers. He also reminded Members that Dell Cottage was situated in a heavily wooded area, in addition to the change in levels on site, which meant that the lorry cabs would not be visible from outside the curtilage. Therefore, the character of the area was un-harmed. Mr Tutton also referred to the boundary fence that had been erected under permitted development rights. He confirmed that the application area had not encroached on wooded areas and that the Council's Arboricultural Officer was satisfied that there would be no adverse impact on the trees from the scheme. In conclusion, Mr Tutton stated that the application would not have a detrimental impact on the countryside, or the local gap. He requested that, should the Sub-Committee be minded to refuse permission, Members should consider deferring the application for determination at a future meeting of the Planning Development Control Committee.

During discussion, Mr Finch confirmed that applications for operator's licences were not formally submitted to the local authority as a consultation, although the Council had been provided with a list of those licences applied for. He explained that the system worked in parallel to planning applications, but should not necessarily influence planning decisions, nor was their existence material in considering a planning application.

During debate, Members noted that policies did not preclude development within the countryside or local gap; rather they ensured that they were not prejudiced visually or by an activity. In answer to questions, Mr Jenkinson stated that he was satisfied that the parking of two lorry cabs would not cause harm to the residential curtilage, particularly as it was well screened. During further discussion, Members considered that the parking of the lorry cabs may be easier to monitor if parked in designated areas of the site only. Furthermore, the Sub-Committee also noted the concerns raised by a member of the public with regard to noise from the site and suggested appropriate restrictions on hours of operation if possible.

Referring to the earlier site inspection, Mr Jenkinson confirmed that the parking of lorry cabs or trailers outside the 'red line' application site (but on land within the Dell Cottage site) was not part of the proposal, and may require separate consent which, if not sought and granted, could be the subject of enforcement action. The creation of additional hard standing for lorries was likely to be beyond permitted development rights.

At the conclusion of debate, the Sub-Committee voted to not support the officer's recommendation, and subsequently voted to refuse the application, as it considered that the proposal contravened policy by representing an unacceptable business use within the countryside. Members also considered that the application was against policies CE2 and CE3 of the Local Plan, as the parking of the lorry cabs at the site would harm the visual amenities of the countryside, was to the detriment of the local gap and had a negative visual impact by way of its use and associated areas of hard-standing, for the reasons stated above. The Sub-Committee delegated authority to the Head of Planning, in consultation with the Chairman, to agree the exact wording of reasons for refusal to reflect those agreed by the Sub-Committee as set out above.

RESOLVED:

That the application be refused and authority be delegated to the Head of Planning (in consultation with the Chairman) to agree the wording of reasons for refusal based on the following:

- The proposal contravened policy, as it represented an unacceptable business use within the countryside.
- The application was against policies CE2 and CE3 of the Local Plan, as the parking of the lorry cabs at the site would harm the visual amenities of the countryside and was to the detriment of the local gap and had a negative visual impact by way of its use and associated areas of hard-standing.

The meeting commenced at 11.00am and concluded at 12.20pm

Chairman