

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**9 December 2003****Attendance:****Councillors:**

Busher (Chairman) (P)

Bennetts (P)

Davies (P)

Pearce (P)

Sutton (P)

Others in attendance:

Councillor McKay

Officers in attendance:

Mrs S Proudlock, Planning Team Manager

Miss L Booth, Planning Assistant

1. **STABLES WITH FOALING BOX, TACK ROOM, FEED ROOM, WASH ROOM, STORE, LEAN-TO AND MANEGE – FANSTONES, SWANMORE PARK, PARK LANE, SWANMORE, SOUTHAMPTON (CASE NO. 03/02169/FUL)**

The Sub-Committee met at the application site, which was adjacent to Swanmore Park House, located 2 kilometres to the north of Swanmore Village. Swanmore Park House was a large mansion within a historic park, but had now been divided into flats, and the original outbuildings converted into houses. The main building was listed, and the whole site was within the East Hampshire Area of Outstanding Natural Beauty.

The Chairman welcomed to the meeting the applicant, Miss P Stokes, and her agents, together with representatives of Swanmore Parish Council and approximately 15 local residents. She also stated that apologies had been received from Councillor Hatch, and that Councillor Bennetts had replaced Councillor Hatch as a Member of the Sub-Committee.

Mrs Proudlock explained that Fanstones was approximately 3 hectares in size and presently was partially used as a market garden. It was proposed that part of the market garden site be disposed of to the applicant, who also lived within the Swanmore Park House complex, and wished to use the application site for the furtherance of her dressage career. To facilitate this development, the proposal was to extend the existing barn, erect a block of stables to accommodate five horses, and construct a manege, which would be approximately 60 x 20 metres in size to be enclosed by a post and rail fence. The approximate location of the stables building was marked out on site.

Mrs Proudlock provided a summary of consultations received. Swanmore Parish Council had commented on its concern about the possible increase in traffic movements, and there had been additional local objections, including 14 letters,

principally commenting on the loss of agricultural land and the possibility of a commercial venture taking place. In addition, the AONB Officer had no objection in principle, but questioned whether concrete blocks painted in terracotta were appropriate. There had also been 6 letters of support including ones from the British Horse Society. The Council's Highways Section had no objection in principle as it was unlikely that a material increase in traffic would occur provided the facilities were used solely for the applicant's own horses and not for commercial purposes. It was also recognised that the present use was that of a market garden which also generated traffic.

The Council's Landscape Section had requested amendments due to the open elevated situation of the application site.

In conclusion, Mrs Proudlock stated that in assessing the application, Policy RT8 and Supplementary Planning Guidance advised that a comprehensive approach be taken so that it was located, as far as was possible, in a single area. Traffic concerns were addressed by a condition that the facilities be for the applicant's own personal use and that the concerns of the Landscape Section would be addressed by a condition that the applicant submit a full landscape scheme including that the stables be of timber construction rather than blockwork, and also that there should be no lighting on the manege.

In support of the application, the applicant and her agents, including a representative from the British Horse Society commented that the lean-to extension onto the existing barn would be no higher than the existing building. It was also explained that the horsebox to be used was a transit-type vehicle, which it was intended to be stored in the existing barn, with modifications taking place to the barn entrance to allow its access. The representative of the British Horse Society commented that the provision of five stables would not sustain a commercial activity and that 15 – 20 stables would be required for this to take place. It was also noted that the applicant would be willing to enter into a condition for personal use only. Mr Giles Wheeler-Bennett for the applicant added that the residents' concerns on visual impact were addressed by the proposals being made as compact as possible and by the specification which would enhance rather than detract from the local area.

The applicant showed a photomontage of inward views from surrounding roads and pathways to the Sub-Committee. It was commented that the site was not visible from the bridleway as it was obscured by the crest of the hill, but was visible from the road and that a tree and hedge landscape scheme would be incorporated to reduce the visual impact. Traffic to be generated would be less than a commercial agricultural unit, which could be conducted from the present site. It was not proposed to make amendments to the present shared access to the site, for example, to cut back trees to allow a horsebox to gain access. The right of way over the shared access was for vehicles for all purposes, including access for horses. It was also clarified that the surface dressing for the manege would be equine sand, together with black rubber fibre to blend in. The hardstanding would be of gravel.

A representative of Swanmore Parish Council asked whether the traffic movements to the site would be evaluated should planning permission be granted. Mrs Proudlock replied that the Highway Engineer had assessed traffic movements at the application stage and that any future proposals for the site would be the subject of a new planning application which would need to be judged on its own merits at that time.

On behalf of 13 local residents who objected to the application, Mr R Stone, agent stated in summary that the inclusion of a foaling box suggested a commercial use as

horses would be bred for sale and would be in breach of the personal condition. He also questioned how the applicant would support the horses on site if she was in full-time employment, which may involve employing a person to look after the horses at the stable and this would again imply a commercial use. The establishment of a commercial use could lead to the Council receiving an application for temporary accommodation which may possibly lead to a full residential dwelling being granted on the site. Mr Stone also questioned the inclusion of washing facilities, and the size of the tack room, which could again lend itself towards a more commercial activity on the site. There would be an intensification of use on evenings and weekends as the applicant would not be on site full time and that the access road was adjacent to residents gardens and would increase the impact of the proposals. Also to be taken into consideration was the effect on views and the landscaping which would take time to mature. He asked whether the existing barn could be converted to stables and he additionally questioned the relationship of the proposals to bridleways in the vicinity as access by narrow roads and inadequate relationship to bridleways would be contrary to policy.

The owner of neighbouring Molyneaux House sought clarification on a condition for personal use and how it could be enforced. It was clarified by Mrs Proudlock that the condition would relate to the applicant's own horses only which could be ridden by friends and relatives, but if the horses were hired for commercial purposes, this would be a breach of condition. An additional neighbour spoke of the proliferation of maneges in neighbouring fields, the size of the proposed stables, and the possibility of using the existing barn. Neighbours raised additional comments on the inadequacy of the access, the sub-division of land, and the intensification of uses in the countryside through horse-related activity.

The present owner of the land who would dispose of the site to Miss Stokes, spoke of the potential agricultural intensification of the site, which could include a poultry unit or pig breeding, which would have its own intensive use. Miss Stokes added that she intended to use the horses for personal family use and that the foaling box would be used for the replacement of her own horses. The inclusion of a washing room had taken place in order that injured horses could be treated. The present barn was unsuitable for horses due to its inadequate size for manoeuvring horses within the stables, its lack of ventilation and its potential to suffer from condensation due to its metal clad construction. Miss Stokes also clarified that the nearest bridleway was approximately 200 metres from the proposed stables and that the second was some 400 – 500 metres and, therefore, satisfied the relevant policies.

Mr Stone asked that a Section 106 Agreement be entered into by the applicant to prevent residential development in the future and that the buildings to be constructed on site be removed if use by the present applicant ceased in the future.

In conclusion, the Sub-Committee agreed to the granting of planning permission subject to the incorporation of suitable conditions, including those relating to the submission of a landscape scheme to the satisfaction of the Local Planning Authority, and the control of lighting on the site.

RECOMMENDED:

That planning permission be granted subject to the following conditions:

1. 1FUL 1FULR
2. M010 (buildings) M010R
3. L050 L05R
4. The development hereby permitted shall be used only for the applicant's own horses and not for any commercial purposes. Reason: In the interests of the amenities of the area.
5. Details of any floodlighting to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved commences. The floodlighting shall be installed, operated and maintained in accordance with the approved scheme. No floodlighting shall be provided in respect of the manege.

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

2. **DEMOLITION OF EXISTING GARAGE, REPLACE WITH INTEGRAL SINGLE GARAGE; TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, PORCH TO FRONT AND REPLACEMENT CONSERVATORY TO REAR – 96 OLIVERS BATTERY ROAD SOUTH, OLIVERS BATTERY, WINCHESTER (CASE NO. 03/02213/FUL)**

The Sub-Committee met at the application site which was located approximately 90 metres from the shops on Olivers Battery Road South and near to the junction with Compton Way.

The Chairman welcomed to the meeting the applicants, Mr & Mrs Newcombe, and their agent; representatives of Olivers Battery Parish Council; a Ward Member, Councillor McKay; the owner of No. 2 Compton Way, the neighbouring property, who was objecting to the application, and a neighbour from 105 Olivers Battery Road South who was supporting the application.

Miss Booth stated that the proposal was to replace an existing garage with a two-storey side extension to provide an integral garage and two bedrooms at first floor and a single storey rear extension to provide a study. The proposed extension would abut the boundary and garden of 2 Compton Way and would form the boundary after the removal of part of the existing fence. She continued that the wall of the existing single storey garage presently abutted the boundary and garden of 2 Compton Way, which had its principal rooms and garden area facing onto the side of 96 Olivers Battery Road South. The proposal would extend further along the boundary with an overall length of 12.1 metres, with 9.7 metres of this being a flank wall at two-storey height and 2.4 metres at single storey height. The outlook from the garden area of 2 Compton Way would be of a side wall with a two-storey extension. It was the Officers' opinion that, due to the orientation of 2 Compton Way, the proposal would have an overbearing and detrimental impact on the amenities of the adjoining residential dwelling by reason of its siting, scale, massing and height.

A previous planning application was refused on 16 June 2003, which was for a similar scheme. The new proposal had reduced the width of the extension by 2.4 metres and the height by 0.3 metres, which reduced the bulk of the roof. However, the Officers considered that the proposal would still have an overbearing and detrimental impact on the amenities and visual outlook of 2 Compton Way. The Officers had undertaken a detailed site visit and had looked at other properties identified by the applicant within the vicinity and also the street scene itself. However, it was still the Officers' opinion that the biggest impact of the scheme was the effect on the neighbouring property. She concluded that a replacement rear conservatory and a porch at the front were also proposed which were acceptable, but the impact of the two storey extension was still considered unacceptable and it was the Officers' recommendation that planning permission be refused.

The Sub-Committee viewed the application site from the front and rear garden of 96 Olivers Battery Road South and also from the rear garden of the neighbouring property, 2 Compton Way.

It was observed that the two-storey development fell away to single storey at the rear of 96 Olivers Battery Road South with the incorporation of a fully hipped roof. To the front, the present porch extension would be removed and the building line extended to the farthest existing point of the present development. Facing 2 Compton Way forward in line with the existing front gable.

For the application, the applicant and his agent spoke of negotiation with the Planning Department, which has resulted in a revised scheme to reduce its impact on 2 Compton Way. The applicant had offered the neighbour at 2 Compton Way the option to include a garden fence of his choice to abut the proposed extended flank wall. It was commented that the design of the extension would be such that access through the neighbouring property for the maintenance of gutters would not be required and Mr Newcombe made reference to existing fruit trees that bordered the application site which, in summer, would reduce its visual impact. The agent had commented that a light test had been undertaken on the previous application and the results of this were that there was no impact in terms of loss of light on the neighbouring property at 2 Compton Way.

At the invitation of the Chairman, Councillor McKay commented that both her and Councillor Collin, as Ward Members, were of the opinion that the present plans had not changed significantly from those previously refused by the Council in June 2003. A sufficient improvement to the proposals had not been made.

Representatives of Olivers Battery Parish Council stated that the Parish Council was concerned at the mass and large nature of the proposals and the precedent that would be set by the approval of a significant two storey development near to a boundary of a neighbouring property.

The neighbour from 105 Olivers Battery Road South commented that she supported the application as a number of extensions had taken place to neighbouring properties and that the application property was modest in comparison and further improvement was required.

The neighbour from 2 Compton Way stated, in summary, that the proposals were significant in terms of the brickwork that would be incorporated and that they were close to the boundary line. He had concern at the size and scale of the proposals, as they would face principal rooms in his property, including the lounge, kitchen, dining room and first floor bedrooms.

In assessing the application, two Members were of the opinion that the impact on the neighbouring property was not of a sufficient magnitude as to warrant a recommendation for refusal, especially when taken into context of development that had taken place to surrounding properties. However, the majority of Members were of the view that there would significant visual impact on the neighbouring property due to the orientation of 2 Compton Way as principal rooms faced the application site and, therefore, supported the Officers' recommendation to refuse the application. The Officers were also requested to have details of the light test that had taken place on the neighbouring property available at Committee.

RECOMMENDED:

That planning permission be refused for the following reasons: -

1. The proposal is contrary to Policy UB3 of the Hampshire County Structure Plan (Review), Policy EN5 of the Winchester District Local Plan and Policy DP3 of the Winchester District Local Plan Review Deposit and Revised Deposit in that it would:
 - (1) by reason of its siting, scale, massing and height result in a detrimental impact on the amenities of the adjoining residential dwelling – 2 Compton Way – by reason of its overbearing impact.

The meeting commenced at 9.30am and concluded at 11.55am