

NOTICE OF MEETING

Planning Control Committee

Date: Tuesday, 15 October 2013
Time: 17:30
Venue: Crosfield Hall (Romsey)
Broadwater Road, Romsey, Hampshire, SO51 8GL

For further information or enquiries please contact:

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Legal and Democratic Service

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The recommendations contained in the Agenda are made by the Officers and these recommendations may or may not be accepted by the Committee.

PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Planning Control Committee

MEMBER

Councillor C Collier

Councillor I Hibberd

Councillor G Bailey

Councillor P Boulton

Councillor Z Brooks

Councillor P Bundy

Councillor A Dowden

Councillor M Flood

Councillor M Hatley

Councillor A Hope

Councillor P Hurst

Councillor N Long

Councillor J Lovell

Councillor C Lynn

Councillor J Neal

Councillor A Tupper

Councillor A Ward

Chairman

Vice Chairman

WARD

Abbey

Romsey Extra

Blackwater

Broughton & Stockbridge

Millway

Chilworth, Nursling &
Rownhams

Valley Park

Anna

Ampfield and Braishfield

Over Wallop

Tadburn

St.Mary's

Winton

Winton

Harewood

North Baddesley

Kings Somborne,
Michelmersh & Timsbury

Planning Control Committee

Tuesday, 15 October 2013

AGENDA

The order of these items may change as a result of members
of the public wishing to speak

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 24 September 2013**
- 6 Information Notes**
- 7 13/01653/FULLS - 24.07.2013 **9 - 17****

**(RECOMMENDATION OF SOUTHERN AREA
PLANNING COMMITTEE: PERMISSION)
(RECOMMENDATION OF HEAD OF PLANNING AND
BUILDING: REFUSE)**

SITE: Land Adjacent Brynfyrdd, Botley Road, North
Baddesley, SO52 9DP, **ROMSEY EXTRA**
CASE OFFICER: Mr Paul Goodman

ITEM 6

TEST VALLEY BOROUGH COUNCIL

PLANNING CONTROL COMMITTEE

INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Considerations

Applications are referred to the Planning Control Committee from the Northern or Southern Area Planning Committees where the Head of Planning and Building has advised that there is a possible conflict with policy, public interest or possible claim for costs against the Council.

The Planning Control Committee has the authority to determine those applications within policy or very exceptionally outwith policy and to recommend to the Cabinet and to the Overview and Scrutiny Committee revisions to policy resulting from its determination of applications.

Approximately 15% of all applications are determined by Committee. The others are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from the Committee Administrator at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Committee Administrator within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors with prejudicial interests, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions Subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- * Officers may recommend deferral because the information requested or amended plans have not been provided or there has been insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application in the reception areas in Beech Hurst, Andover or the Former Magistrates Court office, Romsey. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

"The European Convention on Human Rights" ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision-making processes of the Committee. However, members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

Natural Environment and Rural Communities Act 2006 (NERC)

The Council has a duty under the Natural Environment and Rural Communities Act 2006 as follows: *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*.

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Local Plan and Core Strategy and the adoption of the former. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals.

Provided any recommendations arising from these processes are conditioned as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved, as far as practically possible, will be considered to have been met.

Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the saved Policies of the Test Valley Borough Local Plan 2006. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Document (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

On the 27 March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework sets out that where the development plan is absent, silent or relevant policies are out of date permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.

However, account can also be taken of policies in emerging development plans, which are going through the statutory procedure towards adoption. Annex 1 of the NPPF sets out that greater weight can be attached to such policies depending upon:

- The stage of plan preparation of the emerging plan;
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The National Planning Policy Framework states that 'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'

Item 7

APPLICATION NO.	13/01653/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	24.07.2013
APPLICANT	Mr And Mrs Joe Rowe
SITE	Land Adjacent Brynfyrd, Botley Road, North Baddesley, SO52 9DP, ROMSEY EXTRA
PROPOSAL	Retain security gate for field access
AMENDMENTS	None
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) because the Southern Area Planning Committee (SAPC) was minded to permit planning permission contrary to policies of the Borough Local Plan and to the Officer's advice.
- 1.2 A copy of the Officer's report to the 17 September 2013 SAPC, from which the application was referred to the Planning Control Committee, is attached as **Appendix A**.

2.0 PLANNING CONSIDERATIONS

- 2.1 Consideration was given at SAPC to the principle of development and the impact of the scheme on the character of the dwelling and surrounding area, the impact on neighbouring residential amenities and highways.
- 2.2 Members of SAPC resolved to grant planning permission contrary to the Officer recommendation considering that the proposed development was justified in order to prevent unauthorized occupation of the site and would not have a significant detrimental impact on the rural character of the area or visually diminish the local gap.

Security

- 2.3 Members of SAPC considered that the proposed gates, which are higher and more prominent and uncharacteristic for the area than the traditional five bar agricultural gate permitted under application 13/00941/FULLS, were justified as a result of the previous unauthorised occupation of the site whilst in its previous ownership.
- 2.4 Whilst it is acknowledged that the site was indeed historically occupied without the consent of the previous owners it is noted that the owners at that time were not resident in the area and that the site was in no obvious or regular agricultural use. It is evident that the current owner/occupier, who also operates as a farrier from the adjacent site of Brynfyrd, has undertaken to clear the site and put it back into productive agricultural use.

- 2.5 It is considered that the obvious and frequent use of the site will further deter unauthorised occupation and it remains the consideration of the Officer that security concerns would not justify the retention of the gates the design of which are more typically industrial than agricultural.

Character and Appearance

- 2.6 Members of SAPC considered that the gates represented no significant detrimental impact on the character of the site or visual qualities of the local gap as a result of their set back of approximately 16m from the public highway, the presence of the approximately 3.0m high hedgerow adjacent and the limited area which they are visible from the public highway. Further comparison was drawn between the proposed gates and other prominent features including telegraph poles and the overhead cables which are close to the entrance. It was also noted that the application site is bordered to the west by the industrial units situated to the eastern side of Premier Way. Members resolved to grant planning permission subject to a condition to ensure that the existing wire mesh would not be further clad or otherwise altered as to restrict views through the gates to the landscape beyond.
- 2.7 It remains the consideration of the Case Officer, as supported by the comments of the Landscape Officer, that the existing gates in terms of their scale, design and materials have a detrimental impact on the landscape character of the rural street scene and visually diminish the local gap. As such it is considered that the gates remain contrary to local plan policies DES01, DES06, DES07 and SET05.

3.0 CONCLUSION

- 3.1 The gates are considered to have a significant detrimental impact on the rural character of the site and visual character of the local gap. As such the proposed development is considered contrary to the relevant TVBLP policies and is unacceptable contrary to the recommendation of SAPC.

4.0 RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE

4.1 PERMISSION, subject to condition:

- 1. No cladding or other alteration of the gates hereby permitted shall be undertaken that would result in the existing views through the gates being further obscured.**
Reason: To ensure a satisfactory visual relationship of the development with the surrounding landscape in accordance with Test Valley Borough Local Plan 2006 policies DES01, DES06, DES07 and SET05.

5.0 RECOMMENDATION OF HEAD OF PLANNING & BUILDING SERVICE

5.1 REFUSE for the reason:

- 1. The proposed gates by virtue of their design, materials and scale have a detrimental impact on the landscape quality and character of the rural area and visually diminish the local gap. The application is contrary to policies DES01, DES06, DES07 and SET05 of the Test Valley Borough Local Plan.**

APPENDIX A

Officer's Report to Southern Area Planning Committee – 17 September 2013

APPLICATION NO.	13/01653/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	24.07.2013
APPLICANT	Mr And Mrs Joe Rowe
SITE	Land Adjacent Brynfyrd, Botley Road, North Baddesley, SO52 9DP, ROMSEY EXTRA
PROPOSAL	Retain security gate for field access
AMENDMENTS	None
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to SAPC at the request of the local ward member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is comprised of approximately 3 ha of agricultural pasture situated to the southern side of Botley Road. The site is situated within Romsey Extra Parish and within the designated local gap between the settlements of Romsey to the west and North Baddesley to the east.

3.0 PROPOSAL

3.1 The application is made retrospectively for the retention of gates at the existing field access.

4.0 HISTORY

4.1 13/00133/FULLS - Agricultural access track across field and replacement gate (retrospective). Refused 21.03.2013.
13/00141/FULLS - Retain shipping container and erect screening. Permission 20.03.2013.
13/00941/FULLS - Agricultural access track across field and replacement 5 bar agricultural gate. Permission subject to conditions 26.06.2013.

5.0 CONSULTATIONS

5.1 Planning Policy & No objection.
Transport (Highways)
5.2 Planning Policy & Objection.
Transport
(Landscape)

5.3 Housing & No objection.
Environmental Health
(Environmental
Protection)

6.0 **REPRESENTATIONS** Expired 20.08.2013

6.1 Romsey Extra PC No objection .

6.2 Premier Centre Support:

Management Ltd, 3
Premier Way,
Romsey

- Premier Centre Management Ltd (PCM) represents the individual landlords of 30 freehold units on Abbey Park Ind Est situated next to the paddock served by these gates.
- This paddock was subject to unauthorised use by the travelling community some time ago. During this period the industrial estate was subject to a degree of crime that caused huge financial and logistical inconvenience.
- Mr Rowe informed me of his intention to erect the gates following his purchase of the land.
- I understand that the gate may be taken down for the reason that it is not in keeping with the rural surroundings.
- Whilst I appreciate there may be some argument to this, on balance the gate is fairly discrete and set back from the road.
- It is imperative that this gate remains on site to deter any such unwelcome guests. My concern is that smaller gates would be easily breached leading to the provision of unsightly concrete bollards left in situ.
- Therefore on behalf of the PCN shareholders I strongly support the application.

7.0 **POLICY**

7.1 NPPF

7.2 TVBLP 2006

National Planning Policy Framework .

SET03 (Development in the Countryside)

SET05 (Local Gaps)

DES01 (Landscape Character)

DES06 (Scale, Height and Massing)

DES07 (Appearance, Details and Materials)

AME01 (Privacy and Private Open Space)

AME02 (Daylight and Sunlight)

AME04 (Noise and Vibration)

TRA05 (Safe Access)

TRA09 (Impact on the Highway Network) .

7.3 TVBLP (Draft)

Public consultation on the draft Revised Local Plan has taken place between the 8 March and 26 April 2013. At present the document, and its content, represents a direction of travel for the Council but it should be afforded limited weight at this stage.

It is not considered that the draft Plan would have any significant bearing on the determination of this application.

8.0 PLANNING CONSIDERATIONS

The main planning considerations are the principle of development, the impact of the development on the character and appearance of the site, highways considerations, and the amenities of neighbouring properties.

Principle of Development

8.1 The site is located within the countryside where development is restricted under local plan policy SET03 to that which is considered appropriate in the countryside or has an overriding need to be located there. Both the track and gateway are to serve the existing agricultural use of the land and as such are acceptable in principle but further consideration of their impact on the character of the site is required.

8.2 In addition the application site is situated within the designated local gap between Romsey and North Baddesley. Policy SET05 has regard to local gaps and states that development will only be permitted if it would not diminish the gap physically or visually.

Character and Appearance

8.3 The application is made retrospectively for the retention of existing gates which were the subject of the previous application (13/00133/FULLS) which was refused. A subsequent permission (13/00941/FULLS) provided for the replacement of the existing gates with a traditional 5 bar agricultural gate, however that permission has not been implemented. Following further consideration the applicant has elected to reapply for the retention of the existing gate arrangement as the original decision was issued more than 6 months ago and it is no longer possible to appeal.

8.4 The proposed gates are of a metal material with wire mesh and barbed wire over. As a result the total height of the gates is approximately 2.6m. The remainder of the northern boundary is planted with mature hedgerow of approximately 3.0m in height. The gates are intended to improve security at the site and replace the previous five bar gate which is described in the supporting statement as being “broken and inadequate”. However the Landscape Officer has reiterated the previous objection to new gates which are of a style, height and material industrial in character and would not normally be recommended in a rural landscape. Whilst there are some other boundary fences and gates within the gap and adjacent the sites associated with both commercial and residential uses they are generally of a significantly lower height and of a timber post and rail construction and as such they have limited prominence from public views and the entrances to neighbouring sites retain a rural character.

8.5 The proposed gates are clearly visible in public views from Botley Road and, as a result of their height, materials and design, create a discordant element, out of character with its agricultural surroundings and detrimental to the visual appearance of the local gap. The proposed development is therefore considered contrary to policies DES01, DES06, DES07 and SET05.

Highways

- 8.6 The Highways Officer has raised no objection to the proposed development. The proposed access track and field gates are considered to represent no intensification of use and would not therefore have a significant detrimental impact on highways or pedestrian safety. The Highways Officer has however raised some concern that the construction of a through route to the neighbouring Brynfyrd site could result in an intensified use of the access associated with that site which has limited visibility to the east resulting in a detrimental highways safety impact.
- 8.7 Whilst the applicant does own the adjacent site of Brynfyrd they do not form a single planning unit and have separate uses. The application site remains in agricultural use and the permitted use of the neighbouring site and the presence of a separate access is not considered material to the determination of the current application. It is not considered that the forced closure of the access to the agricultural field in relation to concerns of the adequacy of the access to a neighbouring site is reasonable and would not therefore comply with the relevant tests of Circular 11/95.

Amenities of the application site and neighbouring properties

- 8.8 Given the nature of the proposed development and the distance to any neighbouring properties it is considered that the gates and track would have no significant adverse effect on the amenity of the neighbouring properties and complies with policies AME01, AME02 and AME04.

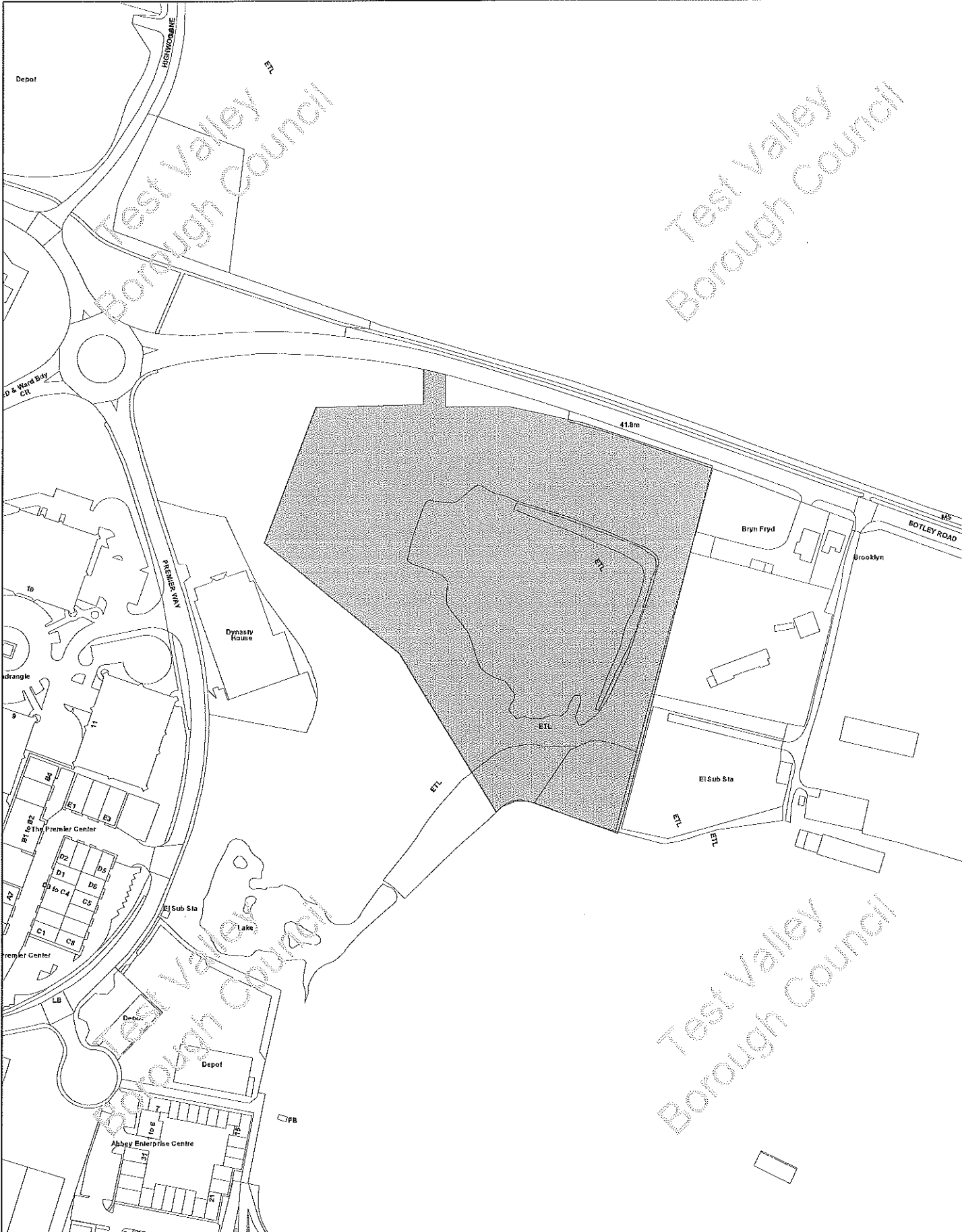
9.0 CONCLUSION

- 9.1 The gates are considered to have a significant detrimental impact on the rural character of the site and visual character of the local gap. As such the proposed development is considered contrary to the relevant TVBLP policies and is unacceptable.

10.0 RECOMMENDATION

10.1 REFUSE for the reason:

- 1. The proposed gates by virtue of their design, materials and scale have a detrimental impact on the landscape quality and character of the rural area and visually diminish the local gap. The application is contrary to policies DES01, DES06, DES07 and SET05 of the Test Valley Borough Local Plan.**
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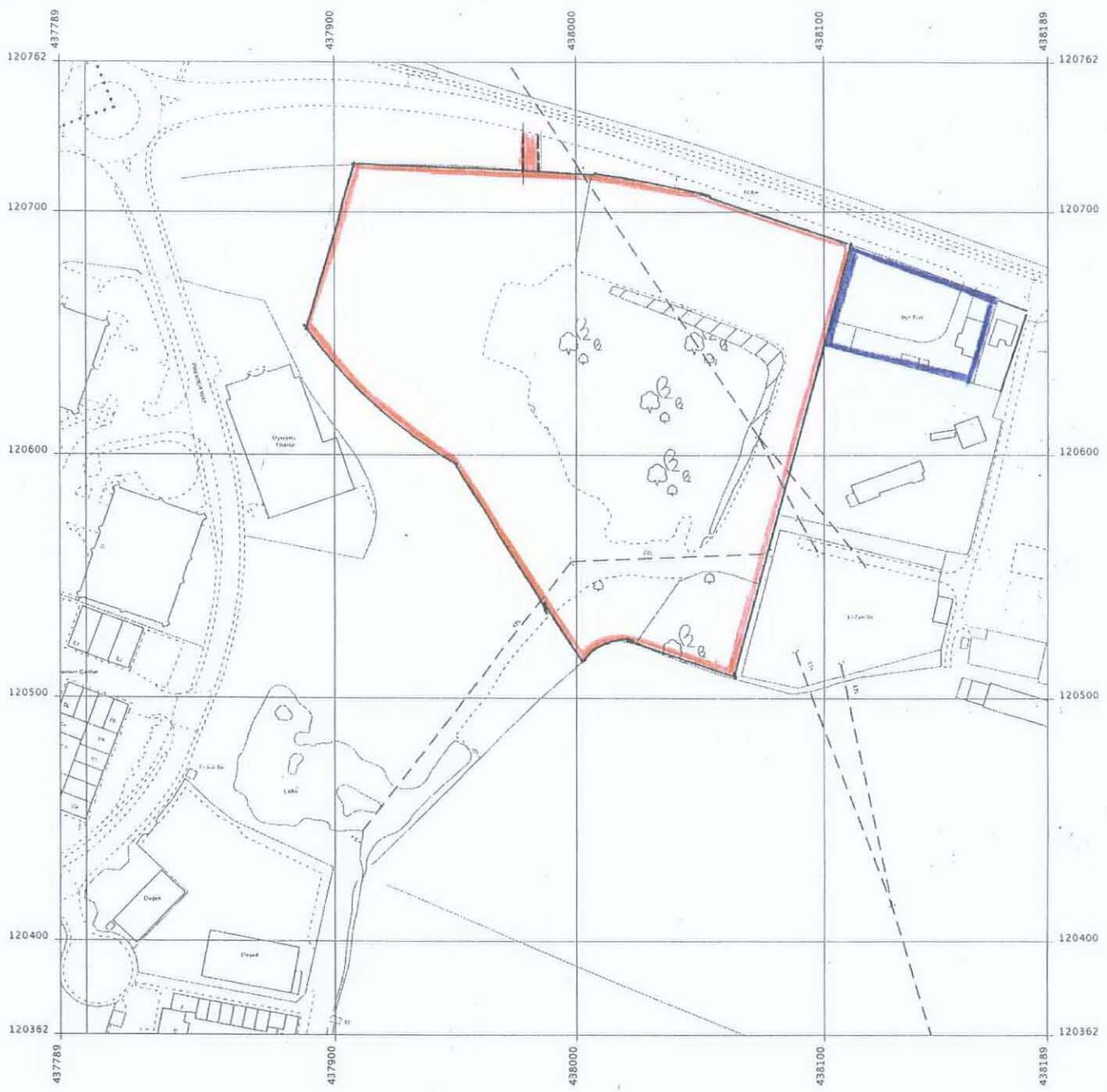
Siteplan 1:2500



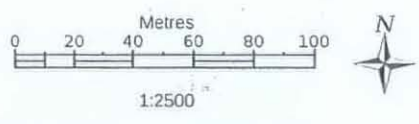
TEST VALLEY
BOROUGH COUNCIL

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13/01653/FULLS



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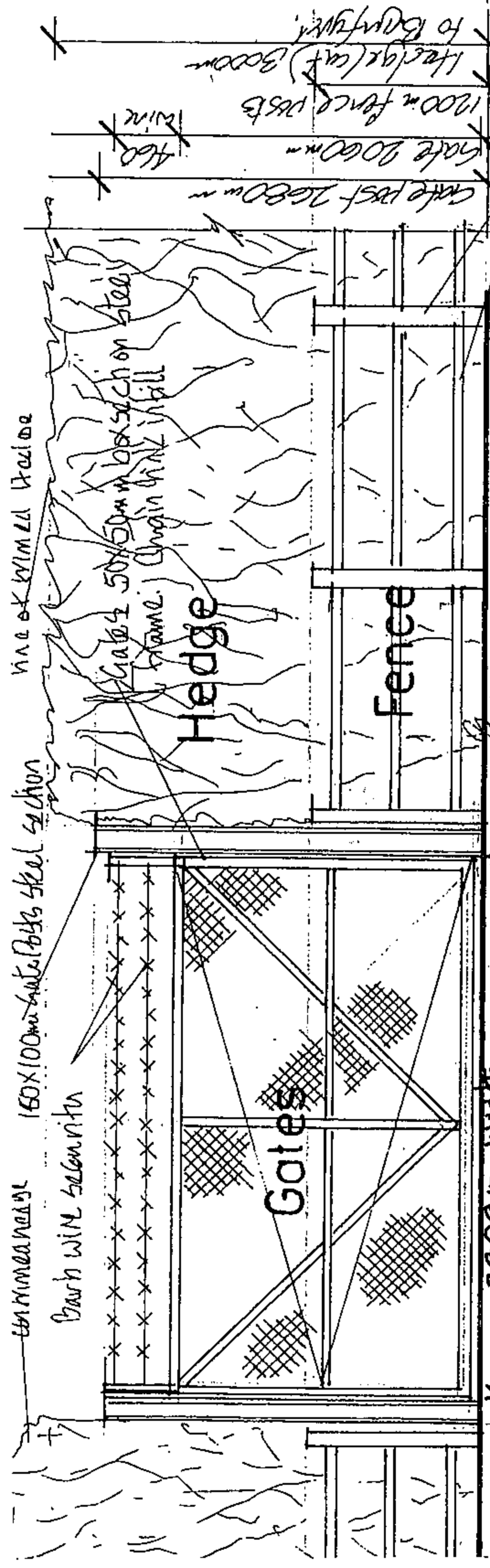


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Elevation of gates to A27 and existing hedge 1.50

SCAEME

<p>Client, Mr & Mrs J. ROWE Fairfields Farm, Nutburn Road, North Baddesley, Southampton.</p>	<p>Job:- Security Gate to land adjacent to Brynfyrd, Botley Road, North Baddesley</p>	<p>Gate 1.50 C.M. 09/12</p>
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