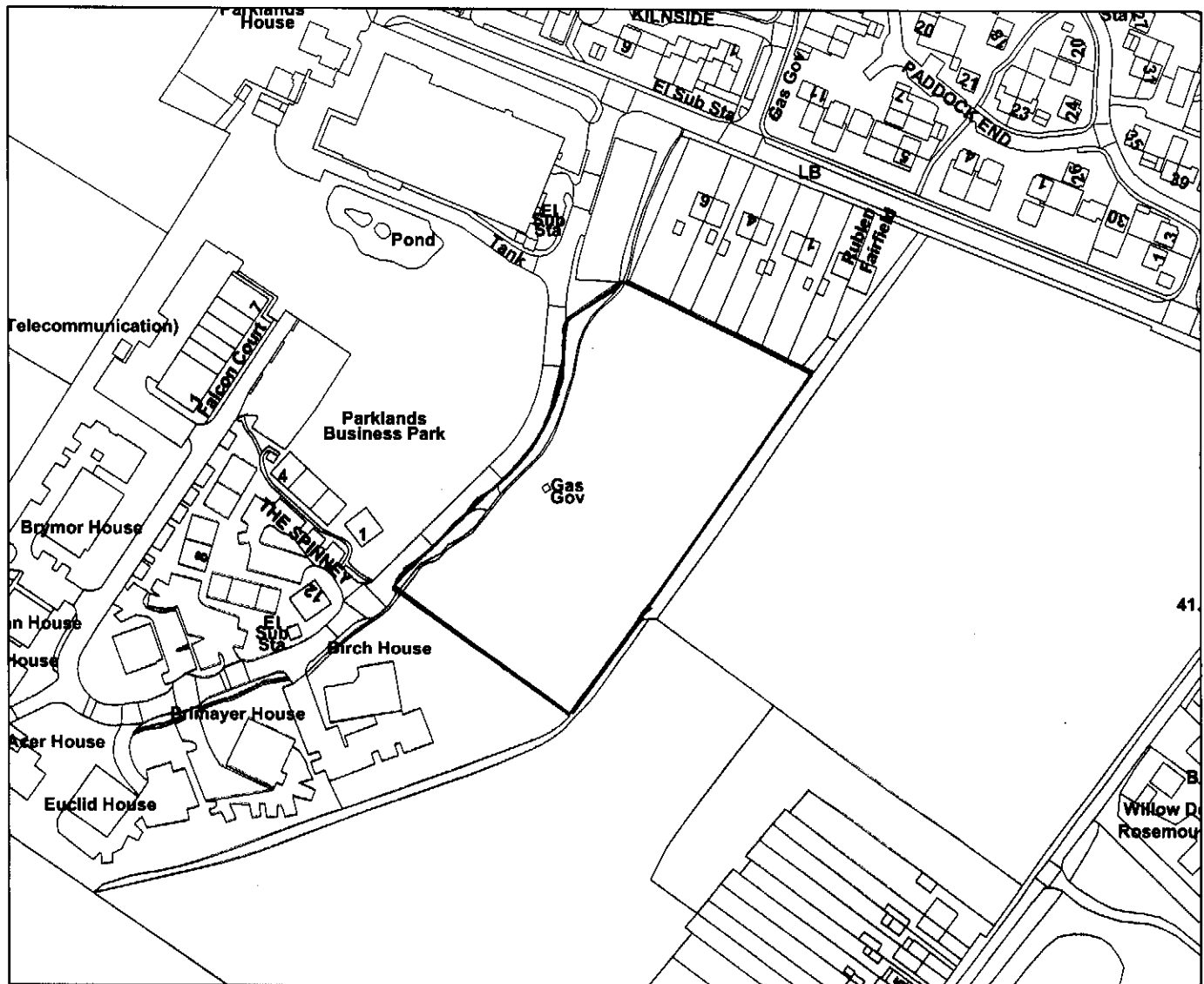


Site 1, Parklands Business Park, Denmead

11/00124/OUT



Legend



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Scale:

Organisation	Winchester City Council
Department	Development Services
Comments	
Date	05 September 2011
SLA Number	00018301

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DEVELOPMENT CONTROL COMMITTEE AGENDA 15 September 2011

Item No: 1 WCC
Case No: 11/00124/OUT / W01635/51
Proposal Description: Erection of 70-bed care home (Outline)
Address: Site 1 Parklands Business Park Forest Road Denmead
Hampshire
Parish, or Ward if within Winchester City: Denmead
Applicants Name: Byng's Business Development
Case Officer: Mrs Jill Lee
Date Valid: 24 January 2011
Site Factors: County Heritage Site

Recommendation: Application Refused

General Comments

This application is reported to Committee because of the number of representations received in support of the application and at the request of Councillor Stallard, whose request is appended in full to this report.

Site Description

The application site forms an area of approximately 0.9 hectares of amenity land within Parklands Business Park. The business park was granted consent in 1987 and has now been largely completed, with the exception of one plot immediately adjacent to the application site, which has the benefit of planning permission but has not been constructed.

The business park was constructed on a countryside site which was allocated for industrial use in the Denmead Local Plan and subsequently carried forward into the Winchester District Local Plan. The policy in the Local Plan was supported by the Denmead Potteries Development Brief, which set out the main principles for developing the site. The overall aim of the development was to provide an attractive outdoor environment for employees, and the site is heavily landscaped, giving it a distinctive character. The development brief also sought to protect the amenity of nearby houses by providing a landscape and open space buffer, on which it is now proposed to build. The development brief also secured a right of access for the public during daylight hours to access Creech Wood to the rear of the site. The application site is therefore allocated as countryside and is covered by a section 52 (now S106) Agreement to be provided and maintained as amenity land for the business park and public.

The site is currently grassed and it is not clear if it is being maintained in accordance with the legal Agreement. There are trees to the boundaries, with the exception of the road side, and, again, these were covered by the legal Agreement and have to be retained to provide a setting for the business park and also to provide a screening function. The site is accessed by the public from a footpath which runs from Forest Road to the site.

The site is on higher ground than Forest Road and slopes upwards from front to back and, given the potential for visual intrusion, there was a maximum building height of 7m for new development. The Denmead Local Plan stated that, to prevent buildings being

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intrusive, they should be restricted to a height below the top of the perimeter tree belt. The area of land between the proposed business park and the existing industrial area was considered to be too exposed for development and too close to residential properties, and so was allocated as public open space and amenity land. This is the area on which it is now proposed to build.

The access road from Forest Road already exists and it is proposed to be used to serve the new development. If planning permission were to be granted, a financial contribution would be required in order to upgrade the footpath.

To the north of the site are existing semi-detached bungalows with dormer window, set in generous plots and lying at a lower level than the application site. There is some screening to the boundary, but it is possible to view the bungalows from the application site. The site is also visible in gaps between the existing bungalows and from the access road.

Proposal

It is proposed to build a 70 bedroom care home (Use Class C2), with associated car parking and amenity space. Although the application is in outline form, with all matters reserved, the submitted drawings indicate a building footprint and heights between 1 and 2.5 stories. The site will be accessed off the existing business park road which connects the site to Forest Road. The Design and Access Statement indicates that 36 car parking spaces will be provided for the facility. Because the application is in outline form, the submitted plans are only indicative and aim to show that an establishment of that size can be accommodated within the site. The application has been submitted in outline form as it is the principle of development which is the overriding issue in this case.

Relevant Planning History

Most of the planning history on the site relates to the Denmead Pottery Site and Parklands Business Park, which has been summarised above. There is no planning history that directly relates to this site.

Consultations

Engineers: Drainage:

Parklands Business Park has private sewage infrastructure which connects to the public sewer in Forest Road, and Southern Water must be consulted. A suitable SuDS system must be provided. Prior to development commencing, a drainage strategy must be submitted which shows that the development will not increase storm water run-off above that which exists.

Engineers: Highways:

The proposal is acceptable in principle, subject to the upgrading of a footpath and a financial contribution toward other transport improvements identified on the approved list. The site is to be served from the Parklands Business Park access road, which has an established and acceptable junction with Forest Road, and the applicant has confirmed that the path that runs to the eastern side of the existing car park, north of the site, will be upgraded at a cost of £6825.00. As it will also benefit the wider public, this amount can be deducted from the amount of transport contribution sought, subject to an appropriately

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worded condition which covers the upgrading of this footpath. A total contribution of £24,000.00 will be required.

Environmental Protection :

No objection, subject to contaminated land conditions.

Landscape: Trees:

No objection to the application, but question whether screening to rear of existing houses is sufficient.

Landscape:

No objection, but concern that the height of the buildings will require better screening to prevent them being intrusive from Forest Road.

Environment Agency:

No objection to the application and no conditions required.

Southern Water:

There is currently inadequate capacity in the local network to provide the foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. If planning permission is granted, then a condition will be required to cover this.

Ecology:

The proposed mitigation set out in the Mitigation Strategy (January 2011) would appear to be satisfactory and should minimise impacts upon protected species, as well as enhancing the site for biodiversity. The proposals for Great Crested Newts (GCN's) and reptiles (section 4.3) has been augmented by the mitigation/enhancement proposals set out within the Natural England (NE) Protected Species Licence application, and, ideally, the Ecological Mitigation Strategy should be updated to reflect the discovery of GCN's within the nearby pond and the proposals to mitigate for them. For example, the NE licence application refers to a pond creation, planting and management, but precise details have not been submitted yet, although such detail could be obtained through an appropriate condition attached to any planning permission, should you be minded to grant consent. With the mitigation and enhancement proposals split between two documents, there is a danger of something being overlooked. I would recommend that a condition is included to ensure adherence to the mitigation and enhancement strategies, and both the Mitigation Strategy and the NE Licence Application should be referred-to in that condition, unless the applicants can update the former document to cover the additional proposals set out in the latter.

Strategic Housing:

There is no affordable housing provision due on Care Homes, as they are treated as single dwellings. However, if it was an extra care home where individuals had their own dwelling (eg Council's sheltered housing), then affordable housing would be required.

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Urban Design:

The site is intended to be open and provide amenity space for the community. Context of the proposed development is the approved, but not implemented, 2 storey office development on plot 1 and the 4 pairs of 1.5 storey chalet bungalows which front Forest Road. Most of the development in the vicinity of the application site does not exceed 2 storeys, and this includes the commercial development.

The proposed building is too large in terms of its mass and its height. It will not sit comfortably within its context and will appear dominant within the rural location. The 3 storey element of the building is approximately 12.5m to its ridge, 50m long and 16m deep. This is a very large building by any standards, and particularly as it is sandwiched between the small grain of suburban development to the north and the Parklands development to the south. It will appear much taller than the chalet dwellings to the north (which are on lower land and probably no more than 5.5m to the ridge) and taller than the consented office buildings to the south which are close to the boundary of this site and 7.75m to the ridge. I consider that, in this sensitive location outside the policy boundary, a successful development on this site should be no more than 2 storeys and then it should be broken up into a number of individual, but joined, buildings and roof planes. It then could sit comfortably between its neighbours. On this basis, it is not accepted that the site can accommodate a care home of 70 bed spaces.

There is a concern about the design and architectural style of the development. A 'traditional' design is proposed (in terms of roof form and elevations) but similar designs can be seen throughout the country and this design exhibits no distinctive Denmead or South Hampshire character.

Representations:

Denmead Parish Council:

Supports the proposal but did not request it to come to Committee. The PC considered that there were insufficient parking spaces within the proposal which would lead to parking on the roadway at busy times, and subject to confirmation that the land was not allocated as open space in the WDLP and therefore would require a change of use.

5 letters received objecting to the application, for the following reasons:

- Dangerous access;
- Need to retain open area to protect Creech Wood;
- Additional traffic undesirable;
- Light and noise pollution from the building;
- Currently open area used by local people to access Creech Wood;
- Negative impact on local residents;
- Cut off from main part of village and facilities;
- Site is in the countryside;
- Will set an unfortunate precedent for building in the countryside;
- Doesn't take into account recent care and nursing home consents at Waterlooville MDA;
- Building out of character and too tall;
- Screening will adversely impact on existing bungalows;
- Ecology on site will be lost;
- Not an appropriate use on a business park.

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6 letters of support received, with the following reasons:

- Will add to the quality of the site and surrounding area;
- Much needed facility;
- Will bring employment to the area;
- Will tidy up the site and prevent unauthorised uses.

Relevant Planning Policy
South East Plan

Winchester District Local Plan Review
DP3, DP4, DP5, DP9, CE4, H3, CE25 and SF6.

National Planning Policy Guidance/Statements:
PPS 7 Sustainable Development in Rural Areas

Supplementary Planning Guidance
Denmead Village Design Statement.
Denmead Potteries Development Brief.

Planning Considerations

Principle of development

The application site is located within the designated countryside, outside the settlement boundary of Denmead. In addition to this, the site is allocated as amenity space and is covered by a legal Agreement to ensure it is retained and maintained as public open space/amenity space. This formed part of the planning permission to develop the Denmead Potteries site for employment use. Countryside policies aim to prevent non-essential development within the countryside, to protect it for its own sake.

In terms of the saved policies of the Winchester District Local Plan Review, Policy SF6 allows for new, extended or improved facilities and services within settlements, but goes on to say that, in exceptional cases, development to provide essential local facilities and services may need to be accommodated outside the settlements in the countryside. However, this is intended to apply to a narrower range of facilities and services than would be appropriate in the settlements. It is not accepted that the proposed development falls into the category of an essential local facility or service, as it is an open market care home which may not necessarily be occupied by members of the local community.

Policy CE4 deals with the provision of essential services in the countryside and provides a list of examples that might be acceptable. Whilst the list is not intended to be exhaustive, it does give a sense of the type of development that could be provided within the countryside, for example: community or education facilities; premises for emergency services, or development by statutory undertakers. It is considered that an open market care home does not fall within the type of development envisaged by Policy CE4. Policy CE4 also requires a countryside site to be essential for operational reasons, which, in this case, it is not. It further requires that there are no suitable sites within the settlement, which, again, is not the case, as the next door site is an undeveloped plot within the business park which has the benefit of planning permission to be developed for business use. The applicant contends that there is no suitable alternative site available and has submitted a market appraisal in support of the proposal. This is not considered to be sufficient to provide overriding justification to set aside countryside policies. Policy

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CE4 also requires an acceptable landscaping scheme to be submitted with the application but, because the application is in outline form, no landscaping scheme has been submitted.

In addition, two planning consents have been given this year for an 82 bed nursing care home and a 38 unit extra care home facility at the major development area at Waterlooville, which is only a couple of miles down the road from this application site. The applicant's assessment makes no mention of these, and wrongly states that there is no provision for a care home on the Grainger part of the MDA, when there is an allocation within the centre. This assessment therefore has limited value and cannot be considered to provide sufficient basis for granting outline permission contrary to the Local Plan policies.

In addition to the policy objection to the application, the applicant has made no comment about the fact that the application site is subject to a S52 (now S106) Agreement that prohibits it being developed and requires it to be provided and retained as public open amenity space. This was a requirement of the business park permission, as the land was considered too exposed to be developed at that time and the setting of the business park within a well landscaped area was fundamental to its design concept. It is still the situation that the area of amenity land is exposed and any building on it will be intrusive and at 2.5 storeys high, and would extend above the tree line and the ridge heights of any buildings in the vicinity. The site, if developed, would also result in the loss of a valuable open area which contributes to the setting of the business park. The fact that the area might not have been completed as required, and may be not fully utilised as amenity area, is not sufficient argument to justify the development of the land.

The principal of providing a care home in the countryside, and on an area of open/amenity space is not acceptable, and is contrary to policy for the reasons explained above.

Design/layout

The application is submitted in outline form, with all matters reserved, and so the design and layout are not for approval at this stage and the material submitted on the plans is indicative. However, it is reasonable to assume that, in order to provide the amount of accommodation required, a 2.5 storey building would be required, although no information has been submitted as to what accommodation is being provided on each floor. The level of car parking needed also demands a certain land-take, as do landscaping and garden areas. A pond is also required to be provided within the garden area to provide mitigation for Great Crested Newts, although it is not shown on the indicative layout where this will be provided.

The indicative design is of a large building with traditional elevations and roof pitches, with no distinctive character or particular architectural merit. It is not clear how this design or bulk of building has been arrived at, but it does not reflect any buildings found in the vicinity of the site and will dwarf even the commercial buildings to the rear. The indicative footprint, with associated parking and garden, shows that most of the site area will be developed, with the exception of the protected trees which have to be retained. It is not clear that there will be room for the pond which is required as part of the Great Crested Newt mitigation.

The scale and mass of the indicative building has been considered by the Council's Urban Design and Major Projects Officer, who has advised that the building is too big

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for the site. An example of a lack of attention to the site's context is the 3 storey part of the building, which would be 50m long and 16m deep in an area characterised by small grain suburban and rural development. The height of the three storey part of the building would be approximately 12.5m high to the ridge, making it about 5m taller than the consented office scheme on plot 1 and 7m taller than the chalet bungalows on Forest Road. A building needed to accommodate the level of accommodation proposed would clearly be out of scale and character with its surroundings and visually intrusive within the street scene and the countryside.

The design and layout, whilst only indicative, show that the proposal is too large for the site and would result in a visually intrusive and prominent feature which would be detrimental to the character and appearance of the locality.

Impact on character of area and neighbouring property

Although the submitted plans are illustrative only, they indicate a very large building which is also tall, being 2.5 storeys for the main part. Whilst the applicant calls the building 2.5 storeys, it will read as 3 full storeys on the gable, where the indicative plans show full height windows to each storey. The elevation facing the existing properties on Forest Road is 66m long, with 50m of this being 2.5 storeys in height. This will be viewed above the top of the trees to the northern boundary and will be seen in the context of chalet bungalows with a width of 12m per pair of semi's. It is clear that the building takes no account of its context or the character and scale of the buildings surrounding it, as required by saved Policy DP3 of the Winchester District Local Plan Review. The illustrative plan indicates a building which will present a long, high and visually intrusive feature when viewed from Forest Road. The illustrative building would also present a long and high elevation when viewed from the access road (41m of 2 and 2.5 storey built form). The illustrative building is of a much greater scale than any of the commercial buildings on the business park and surrounding residential development, and would result in an intrusive and detrimental feature in the locality. The Design and Access Statement states that the care home layout has been carefully designed to take into account the prevailing character of the area, but fails to indicate where the precedent for such a large and tall building has been taken from. Even the commercial buildings on the business park are only 2 storeys in height and approximately 5m lower than the proposal, and of a much smaller footprint than the illustrated care home.

The applicant proposes substantial planting to the boundary with the chalet bungalows, but this may not be desirable, as it would be due south of the gardens of the bungalows and, to be tall enough to screen a 12.5m high building, would be intrusive and overshadow the garden areas. It is clear that the proposed building will be visually intrusive and dominant in viewpoints from the countryside and from within Denmead. The proposal would damage the character and appearance of the area. The proposal would be an unneighbourly development in relation to that surrounding it and would be overbearing and visually intrusive.

The development of this site is also undesirable, as it would result in the loss of an important amenity area which was planned as part of the business park, and which was to provide a buffer to the existing development and provide a good quality environment. The applicant has provided no justification in the documentation supporting the proposal to say why this amenity space is no longer needed and why its loss to built form, which was previously unacceptable, is now appropriate. The Design and Access Statement refers to the site as an undeveloped parcel of land rather than an area of designated

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open space, and so fails to deal with the principle of losing amenity space to development. Given that there is a vacant site within the business park, there can be no convincing argument to allow new building within the countryside and on an area of amenity/open space that is clearly used by local people. The loss of this facility would also be detrimental to the character and amenities of the area.

Landscape/Trees and ecology.

The main tree buffer on the site, which is on the eastern boundary, is to be retained and is also covered by a legal Agreement which was part of the original consent for the business park, which recognised the need to protect and retain a landscape buffer. The landscape buffer between the existing chalet bungalows and the site is not sufficient to screen the building and it is likely that this would appear overbearing from the gardens of these properties, especially as it is on higher ground. The loss of the amenity area is not acceptable and would be detrimental to the amenities of the area.

As well as the landscape and amenity value, the site also has potential for supporting protected species. The applicant has undertaken some survey work and, as a result, has identified that the creation of a new pond within the site would be required as mitigation for the impact of the development on Great Crested Newts. It is not clear from the submitted site layout plan that there is room within the site to create such a feature. Because the site would be quite densely developed, there is not sufficient land left to provide a well-landscaped setting for the building which would be sympathetic to the character of the business park.

A survey has confirmed the possibility of Great Crested Newts (GCN's) using the site. Because Great Crested Newts are a protected species, the Local Planning Authority is obliged to ensure that the application satisfies the three derogation tests contained in the Conservation and Natural Habitats Regulations 1994 (as well as having planning permission). The tests are:

- the consented operation must be for '*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*';
- there must be '*no satisfactory alternative*'; and
- the action authorised '*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*'.

In the case of this application, the first test cannot be met as there is no public health or safety issue or matter of overriding public interest.

The second test cannot be met, as it cannot be proved that there is no satisfactory alternative, as the development could easily be carried out on sites within the development boundary and does not require a countryside site.

The third test cannot be met, as there are no details of mitigation contained within the application and, without details of the mitigation, it cannot be stated that the

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development would not be detrimental to the maintenance of the population of the Great Crested Newts.

The proposed development therefore fails to satisfy the three tests.

Highways/Parking

Although the application is in outline form with all matters reserved, the Highways Engineer has commented on the illustrative plans and confirmed that there would be no objection to the scheme, in principle.

The proposed development has been discussed with the applicant's highway consultant and it has been established that the proposal would be acceptable in principle, subject to the upgrading of a footpath, and a financial contribution toward other local transport improvements identified on the approved list.

The site is to be served from the Parklands Business Park access road, which has an established and acceptable junction with Forest Road. The applicant has confirmed that the path that runs to the eastern side of the existing car park, north of the site, will be upgraded and this has been costed at about £6800.00. Because this footpath will also benefit the wider public, it has been agreed that this amount can be deducted from the amount of transport contribution sought, subject to an appropriately worded condition which covers the upgrading of this footpath.

With regard to transport impact and contribution, the Transport Assessment has identified that there will be 134 additional trips on the highway network, should the proposal be granted. This would equate to a contribution requirement of £30,820.00, although, allowing for the footpath above, a total contribution of £24,000.00 would be sought. If planning permission were to be granted it would need to be subject to a legal Agreement to cover the footpath upgrade and highways contributions. Standard highways conditions would also need to be applied.

Recommendation

Application Refused, for the following reasons:

Reasons

1. The proposed development is contrary to the saved countryside policies of the Winchester District Local Plan Review and Planning Policy Statement 7 - Sustainable Development in Rural Areas, in that it would result in new built form outside the settlement boundary of Denmead for which there is no overriding justification.
2. The proposed development would be contrary to saved Policy CE4 of the Winchester District Local Plan Review, in that it has not been demonstrated that the proposed use is an essential facility or service to serve the local community or that a countryside location is essential for operational reasons. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority that there are no suitable sites within the built up areas of settlements.

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3. The proposed development would be contrary to saved Policy DP4 of the Winchester District Local Plan Review, in that it would be detrimental to the visual amenities and character of the area through the loss of an area of amenity space which forms part of the setting of the business park, and which contributes to the character and amenities of the area.
4. The proposed development would be contrary to saved Policy DP3 of the Winchester District Local Plan Review, in that it would result in a building which would be out of scale with its surroundings, visually intrusive within the landscape and not in sympathy with the appearance or character of the area.
5. The proposal is contrary to Policy DP.9 of the Winchester District Local Plan Review in that it fails to make adequate provision for improvements to transport and the highway network, in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.
6. The proposed development fails to meet the three derogation tests contained in the Conservation and Natural Habitats Regulations 1994 and is contrary to saved Policy DP4 and CE11, in that there is insufficient information submitted in support of the application to ensure that the mitigation required to protect the Great Crested Newts can be provided within the application site, contrary to the aim of protecting the species and detrimental to the ecological interest of the area.

Informative

The Local Planning Authority has taken account of the following Development Plan policies and proposals:

South East Plan 2009: CC1, CC2, CC6, CC8, NRM5,
Winchester District Local Plan Review 2006: DP3, DP4, DP5, DP9, CE4, CE11, H3, CE25,
SF6,
Planning Policy Statement 7 - Sustainable Development in Rural Areas.

**City Councillor's request that a Planning Application be referred to
Planning Development Control Committee**

Request from Councillor Patricia Stallard
Case Number: 11/00124/OUT
Site Address: Site 1, Parklands Business Park, Forest Road, Denmead
Proposal Description: 70 bed Care Home
Requests that the item be referred to the Planning Development Control Committee for the following material planning reasons: Whilst acknowledging that the proposed development would be on land designated as "countryside" in the Local Plan 2006, there is already considerable precedent for building at that location, there being many commercial and administrative premises, which are long-established on the Parklands site. Furthermore, there is a proven need to supply more nursing/care beds in the District and sensible use of the land would prevent regular visits by Travellers who create health risks and leave the site full f rubbish. Denmead Parish Council have no objection and support the proposal. Patricia Stallard Ward Member for Denmead

Once completed, please email this form to the relevant Planning Case Officer and the Head of Planning Management. It will be attached to the Committee report.

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Development Control Committee 15th September 2011

UPDATE

The information set out below includes details relating to public speaking and any change in circumstances and/or additional information received after the agenda was published.

WCC APPLICATIONS

Item No	Ref No	Address	Recommendation
WCC 01	11/00124/OUT	Site 1, Parklands Business Park, Forest Road, Denmead	REFUSAL

Agenda Page: 5

Officer Presenting: Jill Lee

Public Speaking

Objector:

Parish Council representative: Neil Lander-Brinkley

Ward Councillor: Patricia Stallard

Supporter: Martin Hawthorne

Update

Amended wording for condition 6 from HCC ecology.

The proposed development fails to meet derogation tests set out within sections 53(2)(e) and 53(9)(a) of the Conservation of Habitats and Species Regulations 2010 and is contrary to saved policy DP4 of the Winchester District Local Plan Review in that the proposed development is not essential to preserve public health or public safety or other imperative reasons of overriding public interest and it cannot be proved that there is no satisfactory alternative to developing the site within the countryside. The proposal therefore does not allow the Local Planning Authority to meet its duty under the Conservation of Habitats and Species Regulations 2010 with regards to impacts to European protected species.