

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

*Winchester City
Council*
Planning Department
Development Control

Committee Decision

**TEAM MANAGER
SIGN OFF SHEET**

Case No:	07/00134/FUL	Valid Date	1 February 2007
W No:	14959/16	Recommendation Date	12 March 2007
Case Officer:	Stephen Andrews	8 Week Date	29 March 2007
		Committee date	29 March 2007
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Change of use of storage barn to day nursery, construction of car park and landscaping (RESUBMISSION)
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Site:	Woodhams Farm Springvale Road Kings Worthy Hampshire SO23 7LB
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

Item No: 1
Case No: 07/00134/FUL / W14959/16
Proposal Description: Change of use of storage barn to day nursery, construction of car park and landscaping (RESUBMISSION)
Address: Woodhams Farm Springvale Road Kings Worthy Hampshire SO23 7LB
Parish/Ward: Kings Worthy
Applicants Name: Mrs M Mould
Case Officer: Stephen Andrews
Date Valid: 1 February 2007
Site Factors: Countryside
Proposed Footpath
Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Kings Worthy Parish Council, whose request is appended in full to this report.

The site has been subject to a number of planning applications over the years. However, with particular regard to the barn, planning permission was sought to convert the barn to a dwelling, in 2005 (Ref: 04/03201/FUL) and 2006 (Ref: 05/02790/FUL). Both applications were refused due to the unacceptability on policy grounds of creating an additional dwelling in the countryside without an agricultural tie.

An application for the conversion of the barn to a day nursery was first submitted in 2006 (Ref: 06/02604/FUL) and was refused for three reasons: 1) Lack of information showing there are no alternative sites within the urban edge; 2) Failure to demonstrate that there is not a more sustainable location either within or closer to the urban edge and 3) Adverse impact on the character and appearance of the area.

The current application includes more information justifying an identified need for not only the Kings Worthy area but this countryside location. Information has also been supplied demonstrating a concerted effort to find an alternative location within the defined urban edge, which would be more sustainable. The applicant has also supplied details for a comprehensive landscaping scheme to improve the visual appearance of the development and soften the impact of the proposal.

The additional information provided is significant in overcoming the previous reasons for refusal and satisfying the requirements of development plan policy.

Site Description

The site consists of a large two storey detached dwelling with a large barn and agricultural store in front, to the south. The dwelling is situated within substantial grounds with a tennis court to the east.

Access is obtained via a long gravel track off of Springvale Road which is also shared by the equestrian centre to the south of the application site.

There is a railway which runs along the eastern boundary of the site and the A34 to the south. The current site in its entirety benefits from mature tree and hedge screening with timber and post and rail fencing in parts. The railway embankment forms a large part of the boundary to the east of the site.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

Proposal

Change of use of existing storage barn to day nursery for no more than 48 children in the full care of the day nursery. The registration threshold for children will be set at 54 which will allow for an additional number of children for the after school club.

The barn would be converted to allow for the change of use, incorporating play areas, changing facilities, kitchen and office. The external appearance of the barn would be altered to dark timber boarding and plain tiled roof.

Alteration of existing tennis court to provide secure hard surfaced play area, construction of car park and landscaping.

Relevant Planning History

04/03201/FUL - Conversion of barn to 1 no. five bedroom dwelling. Refused 26.01.2005.

05/02790/FUL - Conversion of barn to 1 no. five-bedroom dwelling (RESUBMISSION). Refused 19.01.2006

06/02604/FUL - Change of use from storage barn to day nursery. Refused 17.10.2006.

Consultations

Engineers: Drainage:

No objection: subject to Environment Agency approving the disposal method for foul water and building regulations approval being given.

Engineers: Highways:

No objection in principle: The site is accessed via a gravel track off of the Springvale Road, a classified road with a 40mph speed limit. Measurements of the visibility splay identified that visibility to the north was in excess of the minimum requirement of 2.4m by 120m; visibility to the south measured 2.4m by 109m but this could be improved further by cutting back overgrown vegetation.

There is ample space to turn on site and to accommodate the expected car parking provision.

Springvale Road forms part of the main bus route linking Kings Worthy with Winchester and has bus services every 20 minutes.

It appears the application will fulfil a local community need and can therefore be considered sustainable in nature; the alternative is that parents will have to travel the additional mileage to and from Winchester City adding to the congestion and environmental impacts thereby caused. However, to ensure that the nursery is operated in the most sustainable manner possible a condition should be attached to a grant of planning consent requiring a Sustainable Transport Plan (condition 6). This should demonstrate the aims of the nursery in reducing the use of the private motor car and how it will encourage sustainable transport measures such as car sharing, walking, cycling, public transport links and mini bus/taxi collection and delivery services.

It is unlikely that the proposal will cause unacceptable harm to users of the nearest public highway and it will be difficult to sustain a highway reason for refusal at appeal.

Environment Agency:

Awaiting Response

Landscape:

No objection: subject to conditions requiring a detailed landscape scheme and landscape maintenance (conditions 3 and 4 respectively).

Environmental Health:

Awaiting Response

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

Representations:

Kings Worthy Parish Council:

The proposal would result in an increase of vehicular movement to and from the site thereby interfering with the safety and free flow of traffic on the busy traffic route of Springvale Road. The access road is unsuitable for the level of vehicular movement that would be generated. The existing building is not of sound construction and there is a lack of detail of the structural changes.

No safeguard that the site would be permitted solely for the purposes stated in the application. The Parish Council refers to the previous reasons for refusal; lack of information showing there are no alternative sites within the urban edge; failure to demonstrate that there is not a more sustainable location either within or closer to the urban edge and adverse impact on the character and appearance of the area.

Health and Safety of the children due to the proximity of pylons and phone masts.

One letter objecting to the application for the following reasons:

- Considerable increase in traffic, when combined with the existing use of neighbouring sites and the equestrian centre, which would pose a danger to users of the highway, and walkers trying to access the footpath and bridle way.
- The access track is inadequate for the level of use.
- The applicant proposes to encourage car share, a method that is not implemented in any other school nearby and is therefore unlikely to occur.
- Health and Safety of the children with regard to the high numbers of masts and pylons.
- Overdevelopment of the site.

Reasons not material to planning and therefore not addressed in this report:

- No parents would take their children to a nursery so close to masts and pylons, the applicant will therefore request a dwelling, which is what is wanted.

Seven letters of support received:

- The 2001 census showed that Kings Worthy has an above average percentage of professional parents with higher education degrees, many of whom both work, there is therefore a need for a facility of this nature.
- The closure of the Abbots Worthy facility forces parents to drive infants and small children away from the parish for childcare, a facility in Kings Worthy is worthwhile.
- It is understood that the applicant is happy to consider a personal permission.
- There is a need for a childcare facility in the Kings Worthy area and this site would address that. The alternative is to travel much further afield adding to the congestion and pollution as well as causing undue stress and lost time.
- The site would provide a purpose built safe clean environment for the children.
- The Council has a responsibility to ensure that there are enough choices for childcare available to parents.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB3, C1, C2, E6, T6

Winchester District Local Plan Review:

DP.3, DP.4, CE.4, T.1, T.2, T.4

National Planning Policy Guidance/Statements:

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

PPG13: Transport

PPG24: Planning and Noise

Supplementary Planning Guidance:

None

Other Planning Guidance:

Parking Standards 2002

Planning Considerations

Principle of development

The site is located within designated countryside where there is a presumption against most forms of development. However, policy CE.4 of the WDLP 2006 states that "In the countryside the development of essential facilities and services to serve local communities may exceptionally be permitted where the Local Planning Authority is satisfied that it complies with Policy DP.3 and other relevant policies of this plan and that:

- (i) a location on a particular site in the countryside is essential for operational reasons; or
- (ii) there are no suitable alternative sites for the proposed development within the defined built-up area of the settlement(s) which the development is intended to serve; and
- (iii) an acceptable landscape scheme is submitted as part of the application".

The proposal complies with the above policy and addresses points (ii) and (iii) above. The applicant has demonstrated a need for this essential community facility, with the closing of the Abbots Worthy Nursery and the letters of support received. The applicant has also provided evidence of the lack of other available and suitable sites within and closer to the urban edge with one estate agent confirming that they "are not selling or aware of any land or properties within half a mile of Kings Worthy that might suit this use and have not been involved with similar recently".

The Kings Worthy area has been identified in the 2001 census as an area with a professional population where on many occasions both parents work, therefore in order to reduce congestion and pollution it is beneficial that Kings Worthy maintains a childcare facility and whilst it is accepted that ideally a site would be within or closer to the urban edge in the absence of an alternative site and in the interests of the community and broader sustainable objectives the site identified complies with the criteria of policy CE.4.

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas paragraph 6 states that "People who live or work in rural areas should have reasonable access to a range of services and facilities". Point (v) of this paragraph goes on to say "Local Planning Authorities should support the provision of small-scale, local facilities (e.g. childcare facilities) to meet community needs outside identified local service centres, particularly where they would benefit those rural residents who would find it difficult to use more distant service centres. These local facilities should be located within or adjacent to existing villages and settlements where access can be gained by walking, cycling and (where available) public transport".

The Local Plan has identified a section adjacent to this site for a proposed public footpath; linking Lovedon Lane and Winchester (policy S.9) this will further aid the ability of pedestrian access to the site, in accordance with PPS7.

Policy DP.3 is the generic policy that allows for development providing it accords with this and other Local Plan policies, it is considered that the proposal addresses the following aspects of this policy.

- “(i) makes efficient and effective use of land or buildings;
- (ii) in terms of design, scale and layout, responds positively to the character, appearance and variety of the local environment;
- (iii) keeps parking provision to a minimum;
- (iv) provides for ease of movement and local ‘permeability’;
- (vii) does not have an unacceptable adverse impact on adjoining land, uses or property;
- (viii) includes within the development sufficient amenity and recreational space, appropriate to its size, design and function”

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

The remaining elements are not considered pertinent and would not constitute a reason for refusal.

Design/layout

The site is constrained by the size and scale of the existing barn structure and tennis court. Nonetheless it is considered that the conversion of the barn would be sympathetic to the scale and appearance of the existing structure and would utilise natural materials to take account of the countryside location.

The tennis court would be reutilised as a secure hard surfaced play area which would be no more visually intrusive than the existing court.

The additional parking would be screened by extensive landscaping as would the conversion and play area and overall it is considered that the proposal would improve the character and appearance of the countryside with the only material difference being the level of use.

Impact on character of area and neighbouring property

There is an existing equestrian centre to the south of the site, railway to the east and A34 to the south. The existing residential dwelling is owned by the site owner. It is not considered that the additional childcare facility would compromise the existing uses or be to the further detriment of the countryside. It has already been noted that ideally the community facility would be located within the urban edge or closer to it. However, the absence of a more suitable site it is believed that the over-riding need for childcare facilities in the Kings Worthy area outweighs any perceived harm the increase in activity within the site may cause.

The proposal is for a change of use and improvements to an existing structure, the level of development will therefore be very minimal. In terms of the increased activity on the site it is not considered that this would represent overdevelopment as it is in fact addressing an identified community need and with the absence of a more suitable location should be encouraged in accordance with policy CE.4 of the Winchester District Local Plan Review 2006 (WDLP) and PPS7.

Landscape/Trees

The site provides a suitable landscape scheme to maintain the character and appearance of the countryside location, in accordance with Local Plan policy; however planning conditions would be attached to a grant of consent requiring specific detailing and long term protection (conditions 3 and 4 respectively).

Highways/Parking

The access and parking is considered acceptable.

It is proposed to require a Green Transport Plan to account for the vehicular activity to and from the site by way of a planning condition (condition 6). This would ensure more sustainable modes of transport and aid in reducing the impact of the proposal.

The Council's Highway Engineer advises that the site has good visibility splays and in fact at some points exceeds the standards required and that "it is unlikely that the proposal will cause unacceptable harm to users of the nearest public highway and it will be difficult to sustain a highway reason for refusal at appeal".

Other Matters

The Health and Safety issue raised by the Parish Council and objector, regarding the proposed use and the proximity of masts and pylons, is being considered by Environmental Health and an update will be available for members at committee.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

Conclusion:

On balance whilst this is a sensitive location outside of the urban edge it is accepted that there is a real community need for childcare facilities in the Kings Worthy area and that sufficient evidence has been submitted with the application demonstrating that there is a clear demand for the facility and that there are no suitable alternatives to meet this demand within or closer to the urban edge. It is therefore considered that the proposal is justified in its determination against policy CE.4 of the Local Plan and meets the criteria within this policy to account for the conversion of the existing barn to a day nursery.

Recommendation

Application Permitted subject to the following conditions:

Conditions

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

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

2. No development shall take place until details and samples of the materials to be used in the conversion of the external surfaces of the barn; 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.

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

3. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

4. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

5. The development hereby permitted shall be used as a day nursery; and for no other purpose (including any other purpose in Class D1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: To restrict the use of the premises in the interests of highway safety and local amenity.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 29 March 2007

6. Prior to the occupation of the site as a day nursery a Sustainable Transport Plan shall be submitted and approved in writing by the Local Planning Authority demonstrating how sustainable methods of transport such as car sharing, walking, cycling, public transport links and mini bus/taxi collection and delivery services will be implemented.

Reason: In the interests of sustainability.

Informatives:

1. 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.

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

Hampshire County Structure Plan Review: UB3, C1, C2, E6, T6

Winchester District Local Plan Review 2006: DP.3, DP.4, CE.4, T.1, T.2, T.4,