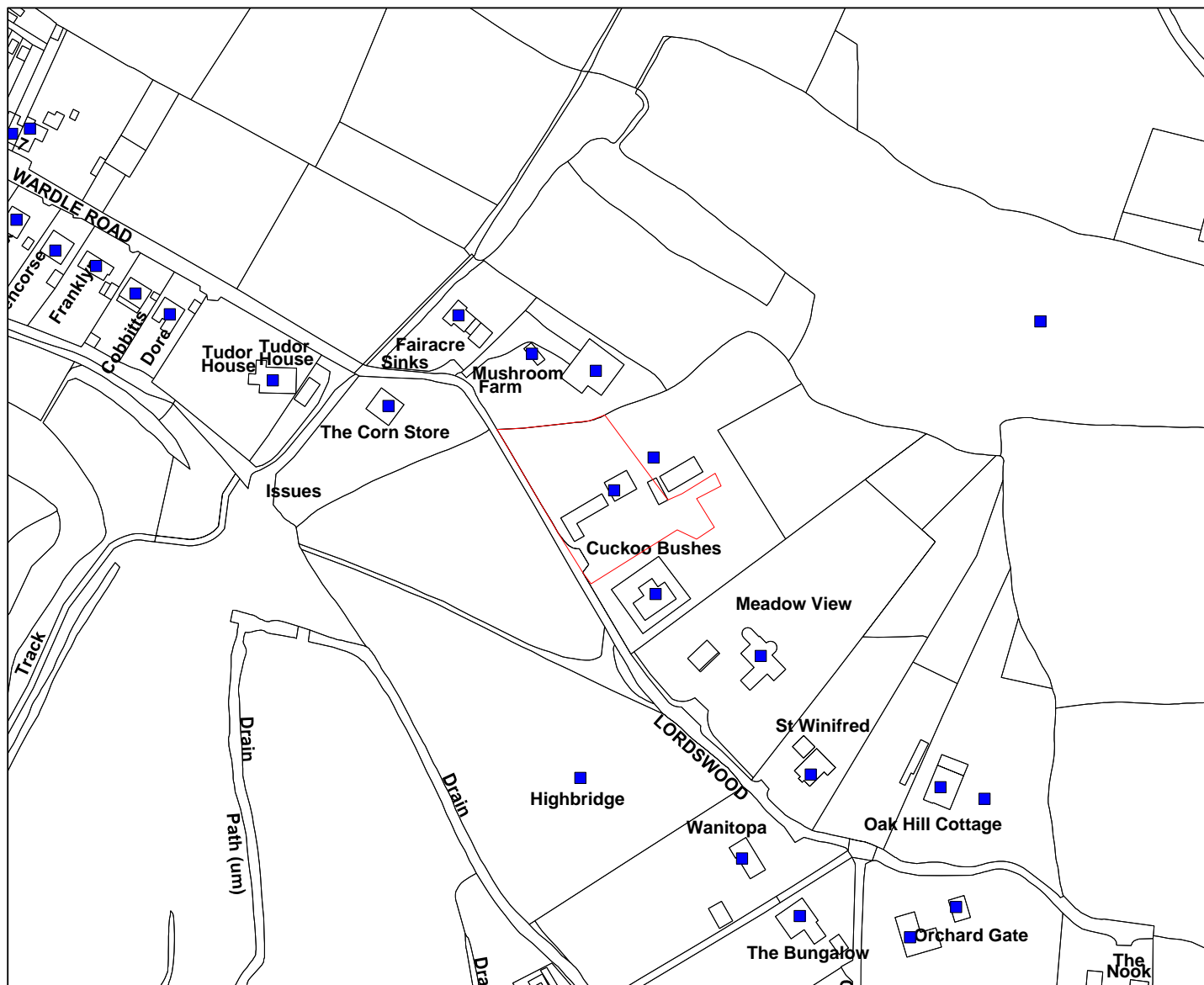


Stables at Cuckoo Bushes, Highbridge

09/02483/OUT



Winchester
City Council



Legend

Km 0.05 0.1 0.15 0.2

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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	25 February 2010
SLA Number	00018301

Scale:

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 4
Case No: 09/02483/OUT / W11740/07
Proposal Description: Removal of B8 use and demolition of commercial buildings and associated structures and replacement with 2 No. dwellings (Resubmission)
Address: Stables At Cuckoo Bushes Lordswood Highbridge Winchester
Parish, or Ward if within Winchester City: Colden Common
Applicants Name: J P Oils
Case Officer: Mr Nick Fisher
Date Valid: 1 December 2009
Site Factors: Site for Nature Conservation
Civil Aviation
County Heritage Site
County Minerals Site

Recommendation: Application Refused

General Comments

This application is reported to the Committee because of the number of letters of support received.

The proposal shows the removal of the existing employment use, which consists of a storage depot, haulage yard, workshop and storage compound at the site, and the erection of two dwellings.

The application is in outline form, with all matters reserved, other than the principle of development. The plans are indicative.

The application follows the refusal of a similar proposal (ref: 08/02650/OUT) for the erection of two dwellings at the site.

Site Description

The site is located in a countryside location to the south of Colden Common. The site is accessed from Hordle Road (a partially unmade track) off Highbridge Road. The track serves a number of detached dwellings set in large plots, which are in close proximity to the site. The area is surrounded by woodland and the character of the area is rural in nature.

The application site occupies 1.2 hectares and has an approximate frontage of 104 metres. The site is flat adjacent to the road and gently slopes up towards the rear of the site. There are mature tree belts located on the front (south western) and side (north eastern) boundaries. The site contains existing mature trees, a commercial storage / distribution yard with associated structures, stables, and an area used for the parking of scrapped / dilapidated vehicles. The applicants dwelling is located to the east of the application site, and is a dormer bungalow.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Proposal

It is proposed to remove the existing storage and distribution use (the applicant is involved with supplying recycled cooking oils) and stables, and erect two detached dwellings with associated curtilages, garages and hard-standings. It should be noted that one of the dwellings is a small unit (less than 75sq.m of habitable accommodation) and would have a height of 2.4m to the eaves and 5.5m to the ridge. The second, larger dwelling would incorporate 260sq.m of accommodation and would be 3.8m to the eaves and 7.5m to the ridge.

Both dwellings will have a separate access from the road to the south of the site. It is intended that all of the mature trees on the site will be retained. It is also envisaged that both properties will be built from brick, with either a clay tile or slate roof covering.

The application is for outline consent, with all matters reserved.

Relevant Planning History

90/01499/OLD: Proposed dwelling - Refused - 27/02/1990.

90/01500/OLD: Proposed replacement dwelling - Permitted - 15/05/1990.

99/00778/FUL: Loft conversion with 4 dormer windows - Permitted - 17/06/1999.

00/00012/LDC: (Amended Description) Use for storage and distribution of cooking oil (B8 use) - Certificate of Lawfulness - Granted - 15/09/2000.

99/00805/CHU: Proposed Change of use of part of stable block to storage and distribution of cooking oils (Retrospective) - Withdrawn - 30/09/2000.

06/01946/LDC: A permanent residential unit; or in the alternative, the stationing of a caravan for residential purposes; stationing of caravan for storage purposes; use of land as a storage yard; erection of WC block and kennels; erection of workshop; use of part of the former piggery building for storage and distribution of cooking oils and an ancillary office to that use - Certificate of Lawfulness - Granted - 29/03/2007.

08/02650/OUT: Removal of B8 use and demolition of workshops, storage buildings and WC block and replacement with 2 no. dwellings - Refused - 11/02/2009

09/00650/OUT: Replacement of unauthorised development used for residential purposes with a permanent dwelling, The Corn Store, Wardle Road, Highbridge - Refused - 01/06/2009 - Appeal Dismissed - 26/11/2009.

Consultations

Engineers: Drainage:

No objection at the outline stage. There is a foul sewer available and a ditch within the site that could be used for storm water.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Engineers: Highways:

The Officer is not against the replacement of the B8 storage use with two residential units. However the Officer questions whether the proposal meets the requirement of criterion one of the supplementary guidance to accompany Policy H4. The use of unmade and unlit paths through fields is not an acceptable proposal for future residents to gain access to facilities.

Environmental Protection Team:

Objects to the proposal (revised consultation) - The proposed development is situated on land where contamination is suspected for all or part of the site and involves a use that would be particularly vulnerable to the presence of contamination. An appropriate contamination assessment should be submitted as part of the application process. Based on lack of information relating to the potential contaminated land issues submitted with the application, this service recommends refusal of this application in this instance.

Landscape Team:Trees:

Objects to the proposal on the basis of insufficient and inaccurate information.

Landscape Team: Landscape Architect:

No objection to the scheme, but concern is raised regarding certain elements of the proposal. Consultation copied below:

"This is a similar application to that which was previously refused (ref: 08/02650/OUT). Therefore, previous comments submitted 23.01.2009 still stand:

"Cuckoo Bushes is situated to the south west of Colden Common, in a rural area, hidden amongst John's Wood. The access is off a small, but busy private road. There are neighbours to the south east and south west, however they face towards Johns Wood, away from the site and do not overlook it, apart from one skylight on the roof of the Mushroom Farm property.

There are mature conifers screening the proposals from Meadow View and mature trees creating partial screening of the site from Mushroom Farm. There are mature trees and conifers screening the site from the lane. However, it would be strongly recommended that the boundaries with Mushroom Farm and the lane be made more secure and substantial native hedge and tree planting should be carried out. This planting, along with any other soft and hard landscaping should be submitted in the form of a planting plan with associated schedule and also a landscape plan, at planning application stage.

The site is sloping from the copse at the end of the garden down to the lane, therefore a site survey would need to be carried out and submitted with a full planning application. There is a ditch with running water running along the width of the site. The site was very wet underfoot at the time of visiting and so drainage would need to be well thought out. There are several mature trees on site, all of which appear to be retained on the plans. The Tree Officer would need to be consulted and a tree survey, arboricultural report, method statement and tree protection plan would need to be submitted with a full planning application.

The residents are keen to see the unsightly oil barrels and trucks removed from the site and for it to be tidied up and replaced with some houses. The development is on

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

the largest plot along this road and would appear to comfortably accommodate two houses. The design of the houses would need to be sensitive to their rural woodland setting. The two proposed access points make use of existing gates, however it is felt that the turning area proposed by plot 2 and the garage are sited too close to the 2 mature Oak trees."

Natural England:

No objection. The development, in its current form, is unlikely to have a significant effect on the Sensitive Area of Conservation / Site Protection Area, or Ramsar sites. The proposal is unlikely to harm the nearby Site of Special Scientific Interest.

Hampshire County Council: Ecology Officer:

Objects to the scheme. Ecological information should have been provided as part of the application, in line with the requirements of PPS9. Without this information, the ecological impacts of the development are unknown. Any survey of the site must consider the potential for reptiles, breeding birds and bats. The likely impact of the development and any mitigation measures must be considered.

Representations

Colden Common Parish Council:

No response received.

1 letter received objecting to the application, for the following reasons:

- A recent application was refused for a permanent dwelling within the area, and the same considerations / conclusion should be reached for the development of this site.

6 letters of support received, raising the following points:

- The proposed buildings will be more in character with the area than the current business use and will improve the area;
- There will be a reduction in HGV traffic;
- The proposal would return the land back to a residential use;
- The proposal will improve wildlife within the area and the relationship with neighbours;
- The proposal will provide much needed homes;
- The proposal will provide jobs for the persons that erect the dwellings;
- The existing site is in a mess which has become progressively worse, and a residential property would be preferable to the existing situation;

Relevant Planning Policy:

South East Plan 2009:

CC6

Winchester District Local Plan Review:

DP1, DP3, DP4, DP9, DP13, CE5, E2, H3, H4, H7, RT4, T1,T2, T3, T4.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS 4 Planning for Sustainable Economic Development
PPS 7 Sustainable Development in Rural Areas
PPS 9 Biodiversity and Geological Conservation
PPG 13 Transport
PPG 17 Planning for Open Space, Sport and Recreation
PPG 18 Enforcing Planning Control
PPG 25 Development and Flood Risk

Supplementary Planning Guidance

Implementation of Local Plan Infilling Policy (Policy H4)

Other Planning Guidance

Parking Standards Dec 2009
Winchester District Landscape Assessment

Planning Considerations

Principle of development

The principle of development is not acceptable; the proposal fails to comply with Policies H3 and H4 of the Winchester District Local Plan 2006. It is considered that there are robust and justifiable reasons for refusal.

The application has also failed to overcome the reasons for refusal of the previous application (ref: 08/02650/OUT), which relate to the location of the site outside of a settlement boundary; the unsustainable form of the development; the adverse impact upon the rural character of the area; the mix of dwellings upon the site; insufficient information regarding the outline nature of the application; insufficient information regarding the impact upon trees; the loss of an employment site and the failure to make contributions toward Public Open Space and Hampshire County Council's Infrastructure Improvement Scheme.

With regard to Policy H3 of the Local Plan, the site is located in a countryside location outside of the defined urban area of Colden Common, where there is a strong policy presumption against further new residential development. It is considered that the general further development of dwellings in the countryside, away from public transport facilities and shops and services, is not a sustainable practice.

With regard to Policy H4, the site is outside of the settlement boundary of Colden Common. The Lordswood and Highbridge areas are not within one of the identified settlements listed in annexe C of the Supplementary Planning Document "Implementation of Infilling Policy", where infill development is supported. Therefore, further residential development is not acceptable in this location.

A recent appeal decision is also relevant to the erection of new dwellings within the area. An application for a permanent dwelling (ref: 09/00650/OUT), at a site known as The Corn Store, was dismissed at appeal in November 2009. This site is located approximately 85m to the west of the application site. The appeal Inspector considered

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

that the erection of a permanent single storey dwelling at the site, would be unlikely to meet criterion 1 of Policy H4 (regarding access to services), because the site is not well related to an existing village.

The Inspector also considered that the area has a rural character and appearance, as a result of the scattered nature of the houses, the mature woodland and narrow lanes. Despite the long history of development at the appeal site, the proposed new dwelling, and its attendant residential curtilage, were considered to be at odds with the rural character and appearance of the area and contrary to Policy CE5 of the Local Plan.

One of the reasons for refusal of the previous application, related to the loss of an employment site. Local residents have supported the proposal because it would remove the unsightly outdoor storage of vehicles, existing buildings and reduce vehicle movements (especially HGVs). After further analysis and consideration, it is considered that the site is not in an ideal location for a commercial use, such as the one operated by the site applicant / site owner. Furthermore, the future use of the site is likely to be fairly limited, due to the location of nearby trees, and the location of nearby dwellings (including the applicants dwelling). Therefore, it has been concluded that a refusal reason regarding the loss of an employment site may be difficult to defend in the event of an appeal and it has been omitted from this recommendation.

The text of Policy E2 recognises that employment uses in the countryside may be low intensity or agriculturally related, but this does not mean that residential use would be appropriate.

The Committee should be aware that the commercial use at the site commenced without planning permission and became lawful after a period of time, following the granting of a certificate of lawful use (ref: 06/01946/LDC). With regard to the condition of the site, the land is under the control of the applicant and it is within his powers to tidy and improve the appearance of the site.

With regard to Policy RT4, a contribution of £3,072.00 has been received towards the provision of public open space. However, a refusal reason regarding non-payment has been attached to this recommendation, to ensure that, in the event of an appeal, the Council can still require a contribution in the case that a refund is issued prior to the submission of an appeal.

Design/layout

The application is outline in nature, with all matters reserved. Therefore, it is not possible to assess the detailed design of the dwellings. If outline consent is granted, this matter would be considered in detail during a reserved matters application. The relative heights of the buildings appear to be satisfactory.

Whilst there is no particular objection to the indicative layout shown, it is considered that the erection of two dwellings and associated built form within the locality will harm the rural character of the area and have an urbanising effect. The recent appeal decision at The Corn Store would support this judgement.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Impact on character of area and neighbouring property

As mentioned earlier in the report, the addition of further residential built form within the locality will further urbanise the area and harm its rural character. The proposal is therefore contrary to Policies DP3, H4 and CE5 of the Local Plan.

Whilst this is an outline proposal, the officers are of the opinion that there is sufficient space to accommodate two houses without significant detriment to neighbour amenities in terms of loss of privacy, loss of light and the potential for an overbearing relationship. Cuckoo Bushes (the applicants dwelling) is located approximately 30m to the east of the nearest dwelling. Should consent be granted, the relationship with nearby dwellings in terms of residential amenity would be considered in detail during a subsequent reserved matters application.

Landscape/Trees

Insufficient information has been supplied by the applicant with regard to the impact of the proposed development upon the trees within the site. Some of the supplied information is not considered to be accurate by the Arboricultural Officer. It is proposed that all of the existing mature trees within the site are retained.

Highways/Parking

The Highways Engineer has reviewed the scheme and has raised no objection to the replacement of the existing B8 use with two residential unit. However, he is concerned that the proposal may not meet the requirements of Policy H4 (mentioned earlier in the report)

With regard to a payment towards Hampshire County Council's Transport Contribution Scheme, it is considered that a contribution is not required in this instance because the proposed residential use will replace a B8 storage use, which gives rise to greater levels of traffic generation.

Ecology and Wildlife.

Hampshire County Council's Ecology Officer has reviewed the scheme and has advised that insufficient information has been submitted regarding biodiversity, including protected species. Further detailed information, including mitigation strategies regarding the potential impact upon protected species, is required in accordance with PPS9 and Local Plan Policies DP1 and DP4. This information is required to allow the Council to analyse the proposal in greater detail. The HCC Ecologist does not consider that the Site of Importance for Nature Conservation will be harmed by the development. Natural England has also reviewed the proposal and has commented that the development is unlikely to harm the nearby Special Area of Conservation, Special Protection Area and Ramsar sites.

Contamination

The Environmental Protection Team has examined the proposal. It is highly likely, based upon the current and previous land uses, and upon a recorded spillage of cooking fat, that the land is contaminated. Insufficient information regarding potential

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

contaminated land issues and potential remedial works has been provided to the Council in support of the application. The proposal is therefore contrary to Policies DP1 and DP13 of the Local Plan.

Recommendation

Application Refused, for the following reasons:

Reasons

1. The proposed development is contrary to Policies H3 and H4 of the Winchester District Local Plan Review 2006 and PPS7 Sustainable Development and PPS3 Housing, in that the site is not within the settlement boundary of Colden Common or within one of the other settlements listed in annex C of the Supplementary Planning Document 'Implementation of Infilling Policy', where residential development may be acceptable.

The proposal would therefore result in undesirable additional residential buildings within the countryside, for which there is no overriding justification. Furthermore, the proposal would represent an unsustainable form of development because of its rural location, and would set an undesirable precedent for residential development within rural areas.

2. The proposal is contrary to Policies DP3 and CE5 of the Winchester District Local Plan Review, for the following reason:

a) The proposed residential buildings and associated curtilages and hard-standings will appear to be intrusive within a countryside area. The proposed development will lead to further urbanisation, thus harming the rural character of the area.

3. The proposed development is contrary to Policies DP1, DP4 & DP13 of the Winchester District Local Plan Review 2006 and PPS9 Biodiversity and Geological Conservation, and PPS 23 Planning and Pollution Control, for the following reasons:-

a) Insufficient and inaccurate information has been provided regarding trees within the site. The Local Planning Authority is not satisfied that important trees will not be harmed by the proposed development.

b) Insufficient information has been provided regarding the impact of the development upon local wildlife and ecology. As a result, it is not possible for the Local Planning Authority to properly assess the impact of the development upon biodiversity and agree upon appropriate mitigation measures. This is needed to ensure that the development does not pose unacceptable risks to human health and the environment.

c) Insufficient information has been provided regarding the potential for contamination of the site and any remedial works that may be required to ensure that the development does not pose unacceptable risks to human health and the environment.

4. The proposal is contrary to Policy RT4 of the Winchester District Local Plan Review 2006, in that it fails to make adequate provision for public recreational open space to the required standard, and would therefore be detrimental to the amenities of the area.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Informative

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

Winchester District Local Plan Review 2006:

DP1, DP3, DP4, DP9, DP13, CE5, E2, H3, H4, H7, RT4, T1, T2,T3,T4.

South East Plan 2009:

CC6