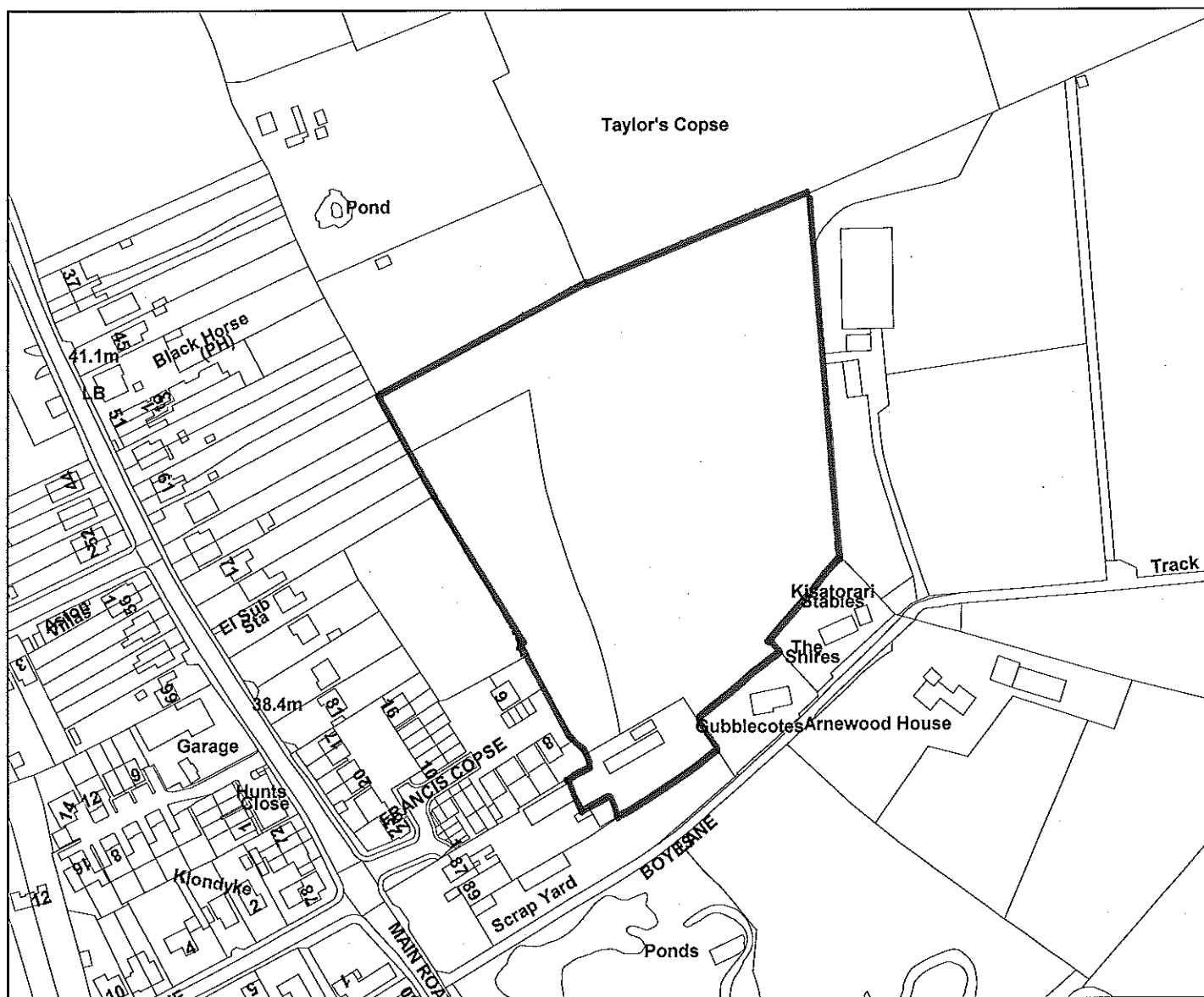


# Dunfords Business Park, Colden Common



**Winchester**  
City Council

12/02700/FUL



## Legend

Scale: 1:2500



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Organisation	Winchester City Council
Department	Winchester GIS
Comments	
Date	05 September 2013
SLA Number	100019531

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Item No:** 2  
**Case No:** 12/02700/FUL / W03094/17  
**Proposal Description:** Retention of site for laser-tag business  
**Address:** Dunfords Business Park 89 Main Road Colden Common  
Hampshire  
**Parish, or Ward if within Winchester City:** Colden Common  
**Applicants Name:** Woodlands Laser Tag  
**Case Officer:** Mr Simon Avery  
**Date Valid:** 21 December 2012  
**Site Factors:** Site of Importance Nature Conservation  
**Recommendation:** Application Refused

**General Comments**

This application is reported to Committee because of the number of letters of support received and at the request of Colden Common Parish Council, whose request is appended in full to this report.

**Site Description**

This site consists of an area of woodland to the north east of Main Road, Colden Common. It is ecologically sensitive covering two Sites for Nature Conservation (SINCs), and ancient woodland habitat. It is accessed via Dunford's Business Park and part of the site includes a building at the end of this complex which provides facilities for the laser tag activity including storage of equipment, a party room and toilets. The area of woodland is accessed via a gate adjacent to this building and extends to the north and north east from this point.

Immediately to the northwest of the Business Park is Francis Copse, a fairly new residential development which abuts the site. To the north west of this are properties fronting Main Road some of which have quite long rear gardens which also back onto the site.

To the south of the site is Boyes Lane, a rural lane, which gives access to some residential properties which adjoin the site to the south east.

Though the site is mainly woodland it is not densely wooded and has large open spaces and includes an open meadow to the west. Various moveable structures have been placed on the site for use in the laser tag games. There are some small ponds on the site.

**Proposal**

The proposal is to use the site for a laser tag game area. It is retrospective as the activity is ongoing. The application also refers to archery and other outdoor activities. The proposed activity occurs in woodland to the north east of Main Road. Parking is located at rear of Dunford's Yard and a building located at the back of the yard is used as a reception area with facilities for a party room and for storage.

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**Relevant Planning History**

**86/00328/OLD** - Use of land for vehicle hire. PER 1st December 1986.

**88/00426/OLD** - Use of land and buildings for storage and dismantling accident damaged vehicles. PER 8th September 1988.

**90/00401/OLD** - Use of land as site for storage of accident damaged vehicles. REF 23rd January 1990.

**07/01590/FUL** - Residential development of 31 dwellings with garaging and car parking. WDN 21st September 2007.

**08/00245/FUL** - Residential development comprising 6 no. one bed, 8 no. two bed, 13 no. three bed and 2 no. four bed dwellings with garaging and car parking (RESUBMISSION). REF 8th July 2008.

**10/00891/FUL** - Redevelopment of the site comprising 14 no. dwellings and erection of new building to provide commercial use. Demolition of all existing structures on the site. New vehicular access from Francis Copse linking into Boyes Lane. NOT DETERMINED 6th December 2010. DISMISSED AT APPEAL 29th March 2011.

**11/02999/FUL** - Change of use of existing building, field and woodlands to the rear of Dunfords Business Park for laser tag, archery and outdoor activities usage. APPRET .

**12/00930/FUL** - Erection of 14 no. dwellings; 3 no. two bedroom, 4 no. three bedroom and 7 no. four bedroom dwellings and a new facility for the sale of motor vehicles. WITHDRAWN 10th July 2012.

**12/01710/FUL** - Erection of 14 no. houses and a new facility for the sale of motor vehicles upon the site's main road frontage (RESUBMISSION). PER 6th November 2012.

**Consultations**

Engineers: Highways:

- No objections

Head of Environmental Protection:

- No adverse comments.
- The applicant makes specific reference to laser tag; however on the application form the description of the proposal reads "Archery, laser tag and outdoor activities". It is recommended that the exact uses are controlled by condition and clarification regarding "outdoor activities" is sought to prevent noisier activities from taking place.
- Further it is recommended that hours of use are restricted to daytime by the inclusion of a suitable condition on any permission granted.

Head of Landscape:

- The site is in a sensitive landscape location, covering two SINC's, and ancient woodland habitat.
- The site is scattered with plastic netting, plastic divisions, sheds and other elements related to the laser tag that are visually incompatible with these SINC sites and ancient woodland.

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- The Hampshire County Council document, 'Assessing Landscape Sensitivity', states that the landscape should be judged for landscape sensitivity.
- The combined elements on site adversely affect the character of the site.

Head of Landscape - Arboriculture:

- Objection based on the lack of information.
- There is a Woodland TPO covering the majority of the site.
- There are trees that may be adversely affected by the proposals.
- Insufficient information has been submitted for the purpose of determining this application and the potential impact on trees.
- Information should be submitted in accordance with BS5837:2012 Trees showing how these trees will be affected by the proposals and the methods that will be used to ensure that any retained trees are protected.

Environment Agency:

- No objection.

HCC Ecology

- There is currently insufficient information to determine the application.
- The site is in a sensitive location, covering two SINCs, and ancient woodland habitat.
- There is the potential for protected species, for example bats, Badger, Great crested newt (GCN), reptiles, nesting birds and even Dormice, to be present and impacted by the proposals.
- Full ecological information is required, containing proper survey assessment to demonstrate the acceptability of the specific proposals in the context of the current state of the site, and any required mitigation information.

Engineers: Drainage:

- Details of on site facilities for visitors need to be provided.

**Representations:**

Colden Common Parish Council

- Conflict between the application site and the approved housing development site in terms of parking, car sales area, bin and storage areas.
- The traffic movement has been underestimated.
- The Design and Access Statement states erroneously that the land has an established use as a motocross track.
- There is no reference to the provision of toilets and catering facilities.
- The noise readings were not taken in appropriate places.
- The Existing Use on the application is identified as "Outdoor Leisure Activities, Laser Tag, Archery" which is an expansion of the activity for which permission is being sought.
- The application makes use an old ecological survey.

12 letters received objecting to the application for the following reasons:

- Impact on the enjoyment of neighbouring properties.
- Increase in activities on site.
- The use of air-soft pellets is unacceptable as they accumulate in the garden.
- Impact of noise and disturbance from activities and people.
- A limit on operating days per month and opening hours would ensure a balance between business and consideration for neighbours.

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- Lack of information as to how the proposals correspond with the recently approved housing scheme in terms of parking/party room/storage room.
- Submitted noise and transport reports may not be accurate.
- Odour from catering van.
- No restriction on days of use.
- Impact of traffic movements.
- Impact of traffic on safety of local residents.
- Harm from traffic to buildings.
- Parking congestion.
- Impact on protected woodland.
- Business websites indicate that up to 60 places are available.
- The business has been operating for around 2 years without consent.
- The net result of this proposal and the housing scheme would be a massive increase in traffic flow.
- Impact on the woodlands which are designated a SINC.
- Impact of felling of trees and the erection of structures on woodland.
- Littering in the back gardens that face the yard.
- Insufficient detail to meet Health and Safety aspects of on site catering and sanitation.
- Letters of support are from people that largely live outside of Colden Common.
- Impact on bat habit, birds and mammals.
- Indoctrination of young people being trained in the use of firearms.
- Any previous use of this land was exceptionally limited.
- Concern about BB bullets/danger of projectiles/general health and safety.
- Coloured smoke grenades give off an unpleasant smell and the smoke drifts into neighbouring properties.
- Loss of privacy from raised forts near garden boundaries.
- Lack of security at the site.
- Lack of adequate parking provision.
- Concern about extra activities such as archery and a bouncy castle.
- Concern about air pollution and risk of fire as smoke grenades, gas and pyro are advertised on the website.
- The site will not bring employment opportunities as it is likely to be understaffed and not properly supervised.

Objection from the Kings Copse Management Company for Francis Copse

- Concern about access through Francis Copse.
- Impact of noise.
- Impact on the environment and woodland area.
- Increase of traffic in particular at weekends.
- Concern about health and safety and sanitation.

13 letters of support received

- Outdoor activity is beneficial for any age group, particularly children.
- This is a well run operation with kind, knowledgeable and professional staff.
- It has state of the art equipment, great catering and a fantastic area to play in.
- It provides employment at a time when there are few opportunities.
- It would have an adverse effect on the area if they were to be forced to close.
- It provides more facilities for the community.

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- No impact on residential amenity.
- Provides exercise for users.
- Entertainment for children

1 petition in support of the proposal signed by 113 people

2 letters of comment:

- This is an ideal location for this activity and for all age groups.
- While the site is near residential housing, there is still very a great deal of privacy.
- It is safe for children.
- Local businesses rely on companies like Woodlands Laser Tag.

**Relevant Planning Policy:**

Winchester District Local Plan Review

- DP3, DP4, CE28, RT13, T2, T4

Winchester Local Plan Part 1 – Joint Core Strategy

- DS1, MTRA2, MTRA4, CP8, CP13, CP16, CP17, CP20

National Planning Policy Framework:

- Sections: 1. Building a strong, competitive economy; 3. Supporting a prosperous rural economy; 11. Conserving and enhancing the natural environment

Supplementary Planning Guidance

- Colden Common Village Design Statement
- Assessing Landscape Sensitivity, Hampshire County Council

**Planning Considerations**

Principle of development

On 11 February the Council received confirmation from the Planning Inspector dealing with the Council's new Local Plan that the Winchester Local Plan Part 1 - Joint Core Strategy (LPP1) is sound subject to the Council accepting a number of modifications recommended by him. On 20th March 2013 the Council formally adopted the plan incorporating the Inspector's changes.

The policies set out in the LPP1 now form part of the development plan of the District and therefore applications must be determined in accordance with this plan unless material considerations indicate otherwise. Some policies in the 2006 Local Plan (WDLPR) remain saved, even though the LPP1 has been adopted, and they deal primarily with detailed matters or with development management issues and these also form part of the development plan. In due course these saved policies will be replaced by policies in Winchester Local Plan Part 2.

Policy CE28 of the WDLPR allows the development of recreation and tourist facilities in the countryside provided that they maintain and safeguard the open and undeveloped nature of the countryside and do not require buildings or structures of a type or quantity which would be harmful to the rural character of the area.

Policy RT13 allows the development of sites for noisy sports where they are well contained by landform or vegetation, remote from existing housing, and where ancillary

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buildings or other structures are small-scale, well screened and relate satisfactorily to the character of the surrounding area. This Policy states that the development of sites within Sites of Special Scientific Interest and Sites of Importance for Nature Conservation will not be permitted.

Policy CP16 of the LPP1 states that the Local Planning Authority will support development which maintains, protects and enhances biodiversity across the District and has regard to protecting sites of international, European, and national importance, and local nature conservation sites, from inappropriate development.

Policy DP4 of the WDLPR states that development will not be permitted where it would detract from, or result in the loss of trees.

Policy CP20 of the LPP1 supports development which recognises, protects and enhances the District's distinctive landscape and assets and their settings including designated landscapes.

This site is in the countryside and is ecologically sensitive because it is covered by two SINC's and ancient woodland habitat. The main impacts from the proposal result from the potential noise and intrusion from the laser tag game itself, and the structures and paraphernalia associated with this activity. In this case it has not been demonstrated that the use is not harmful to wildlife or its habitat or the character of the landscape. Ecological surveys have been submitted, but these only provide baseline information and do not adequately assess the impact of the activity for which permission is sought. As such the proposal is considered to be contrary to Policy CP16 of the LPP1 in that inadequate information has been submitted to show that the use maintains, protects and enhances biodiversity within Sites of Importance for Nature Conservation. It is also considered to be contrary to Policy RT13 in that, while the activity may not be sufficiently noisy to cause an unacceptable level of disturbance to residential properties nearby, insufficient information has been provided to demonstrate whether the noise impacts will be harmful to biodiversity.

While some limited arboricultural information has been submitted it is insufficient for the purpose of determining the potential impact on trees. Given that this is ancient woodland this is also unacceptable and contrary to Policy DP4 of the WDLPR.

Furthermore, the structures associated with the use are considered to be visually incompatible with a Site of Importance for Nature Conservation and an Ancient Woodland. It is therefore considered that the proposal is contrary to Policy CE28 of the WDLPR and Policy CP20 of the LPP1 in that it is harmful to the rural character of the area.

Therefore the proposal is not acceptable in principle.

The applicant has stated in supporting documents that the site has an extant use for motocross based on the fact that, over a period of some 20 years, the applicant's family used this area of land for a motocross track. However, there was no grant of planning permission or lawful development certificate for this use. There is no evidence that this use was any more than a family hobby and at it has now ceased. It may therefore have operated at a level and nature not requiring planning permission and permitted development rights would have allowed the use to be carried out for 28 days a year

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without consent.

To pursue this matter further the applicant would need to submit an application for certificate of lawfulness, supported by evidence of the previous use of the land, but it is considered that this is not a matter which should carry significant weight in considering the merits of the current planning application.

Impact on character of area

While the site and structures within it are well screened from wider public views, it is considered that the special character of this designated landscape is harmed by the paraphernalia contained within it. These items include various wooden structures used as hideouts or lookout towers, freestanding wire mesh fencing, brightly coloured plastic mesh, stakes and tape, plastic drums, pallets, vehicle parts, tyres and bits of tarpaulin and plastic sheeting. While it is acknowledged that the site is private land there are policies which seek to protect its character and appearance given the nature conservation value of the land and the fact it includes ancient woodland. Furthermore, in accordance with the Hampshire County Council document, 'Assessing Landscape Sensitivity', the landscape should be judged for landscape sensitivity. This assesses the landscape in terms of its overall character, its quality and condition, from which it is possible to assess the site and whether it is able to accommodate change without adverse impacts on character, and whether or not significant characteristic elements of the landscape will be liable to loss through disturbance.

As noted above the site has the local designation of SINC and an Area TPO which indicates the site is a good quality landscape. The various structures and paraphernalia, in particular the brightly coloured plastic mesh stapled to the trees, are considered to be detrimental to the character of this woodland area.

Trees

There is a Woodland TPO covering the majority of the site as the trees have a wider visual amenity value. There are trees that may be adversely affected by the proposals due to the additional footfall and increased ground compaction arising from those playing the laser tag. Ground compaction results in root loss which can then lead to the decline of trees. Insufficient information has been submitted to demonstrate how the trees will be protected from this activity. As noted above, this is unacceptable given the sensitivity of the site.

Ecology

The site is covered by two SINC's and ancient woodland habitat. The submitted ecological report makes no mention of these designations in respect of the current site conditions or potential impacts associated with on-site activities.

There is the potential for protected species such as bats, badgers, great crested newt, reptiles, nesting birds and even dormice, to be present and impacted by the recreational use of the site. The ecological report does not address potential impacts on protected species or their habitat. Further information is required to determine whether the proposals are in accordance with local and national planning policy, and the requirements of Natural England Standing Advice on protected species and ancient woodland, and the Council's duty under the Habitats Regulations.

If protected species are impacted by the use of the site the Council would need to



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assess the development against the three derogation tests of the Habitats Regulations and would need to be satisfied that they were met before permission could be granted. As explained above officers consider that there is insufficient information to do this so refusal is recommended.

### Impact on residential amenity

There are residential properties near the site at Francis Copse which is adjacent to Dunfords Yard and on Main Road itself. Concern has been raised by some local residents about noise and disturbance. There have also been complaints about soft gun pellets littering neighbouring gardens and smoke from smoke grenades set off on the site as part of the gaming activities.

Some of these issues are not relevant to this application. The use of 'airsoft' guns, which fire small plastic pellets, does appear to have occurred previously, but no longer occurs and is not being applied for here. The smoke grenades are also not part of this application. Therefore the impact on residential amenity is assessed on the basis of the laser tag use plus archery as an ancillary activity, and indeed, if the application were acceptable in all other regards a condition could be attached to ensure that other more intrusive war games and activities could not be undertaken on this site.

Looking specifically at the laser tag use, it is accepted that this itself is not an unduly noisy activity. The laser tag guns make very little noise when fired and would not themselves create a noise disturbance. The main noise arises from the parties of adults or children participating in activities in the area. Clearly this will have some impact upon residential amenities but, having taken account of the advice from the Head of Environmental Protection, it is considered that likely noise levels should not, in themselves, be so great as to justify refusal. If the application were being recommended for approval therefore it would be possible to apply conditions which would limit the hours of use on the site to ensure it was not open at unsociable times. In these circumstances it is not considered that a reason for refusal could not be substantiated on grounds of noise and other disturbance. The same conclusions apply to an archery use.

The structures on the site used for the laser tag include forts near the western edge of the site. Concern has been raised that contestants using these forts could see over neighbouring gardens of properties on Main Road. However, due to the tree cover around the boundaries of the site, the significant distances of the forts from the end of these gardens, and the length of these gardens themselves, it is not considered that the use of the forts represents a significant threat to the privacy of neighbouring gardens.

### Highways/Parking

Vehicle access to the site will be via the existing access junction through Dunfords Business Park. A Transport Appraisal has been submitted in support of the application. The data contained in the report indicates that a typical party will consist of an average of 10 players who arrive in 2 or 3 vehicles. The main hours of operation of the proposed development occur outside of the normal morning and afternoon peaks. The existing vehicle access and visibility splays are sufficient to accommodate the small increase in traffic that will occur. Parking is located at the back of Dunfords Yard where there is sufficient space to accommodate the numbers of vehicles that would visit at any one time.

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**Other Matters**

The corner of the site at the rear of Dunfords Yard which includes the reception/party room and the parking area overlaps with a recently permitted housing development (12/01710/FUL). The laser tag use and housing scheme could not satisfactorily co-exist as the laser tag would have no parking or reception facilities. However, this housing scheme has not been implemented and therefore does not directly affect the assessment of this proposal as it stands. Presumably, if the housing development does go ahead and the laser tag activity was to continue, they would need to make alternative arrangements. Should this application be permitted conditions would be recommended to require parking to be retained and so developing this part of the site for housing would mean that the requirements of the condition could no longer be complied with. Alternative provision would be needed.

**Recommendation**

Refuse for the following reason:

**Conditions/Reasons**

- 01 The proposal is contrary to Policies CP16 and CP21 of the Winchester Local Plan Part 1 - Joint Core Strategy and Policies CE28, DP4 and RT13 of the Winchester District Local Plan Review 2006 in that:
- the land within the application has two designations as Sites of Importance for Nature Conservation Interest and also includes ancient woodland. Insufficient ecological information has been submitted to demonstrate that the proposal will not have a harmful impact upon features of ecological interest and for the Local Planning Authority to ensure it is meeting its duty under the Habitats Regulations;
  - the structures and paraphernalia sited on the land in association with this use detract from the landscape character in that they are visually incompatible with Sites of Importance for Nature Conservation and an ancient woodland.
  - Insufficient arboricultural information has been submitted to demonstrate that the proposal will not have a harmful impact on trees.

**Informatives**

1. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit.

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

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Local Plan Part 1 - Joint Core Strategy: DS1, MTRA2, MTRA4, CP8, CP13, CP16, CP17, CP20

Winchester District Local Plan Review 2006: DP3, DP4, CE28, RT13, T2, T4

**Golden Common Parish Council**

**Comments on Planning application 12/02700/FUL W03094/17 – Dunford's Business Park – Retention of Laser-tag business**

- 1 This should be a retrospective application - not retention - as the laser-tag business has been in operation for some 18 months without permission.
- 2 The boundary of the site is incorrect as the parking and storage areas shown on the plans form part of the adjoining site for which planning permission was granted to Foreman Homes for the erection of 14 dwellings.
- 3 At a site visit arranged by the Council the applicant informed us that the car sales area of the Foreman Homes development would be used for the parking.
- 4 Access to the site is stated to use the existing access through Business Park but this latter site is being redeveloped as a residential scheme. The developer is unaware of this and this access will be unavailable during the construction of the houses.
- 5 The traffic movement has been underestimated – with parties of up to 20 people taking part in three sessions a day there will be numerous vehicles needing access to the site.
- 6 The Fusion Design and Access Statement is misleading. Para 2.2 states erroneously that the land has an established use as a motocross track.
- 7 There is no reference to the provision of toilets and catering facilities or where they will be sited and their possible intrusion on neighbouring houses.
- 8 The noise readings were not taken in appropriate places.
- 9 The Existing Use on the application (section 14) is identified as "Outdoor Leisure Activities, Laser Tag, Archery" which is an expansion of the activity for which permission is being sought.
- 10 The application makes use of Lizard Landscape Design's Bat Emergence/Activity Survey etc produced for the Foreman Homes application and which resulted in changes to the layout and retention of trees on their scheme. This application does not reflect the changes made as a result of those findings and ignores the impact of the bat population.
- 11 Section 7 of the application states that the plans do not incorporate areas to store waste and that the separate arrangements involve the "use of the Business site bins. These bins will not be available when the new houses are built.

**The Parish Council requests that this application be considered by Committee.**