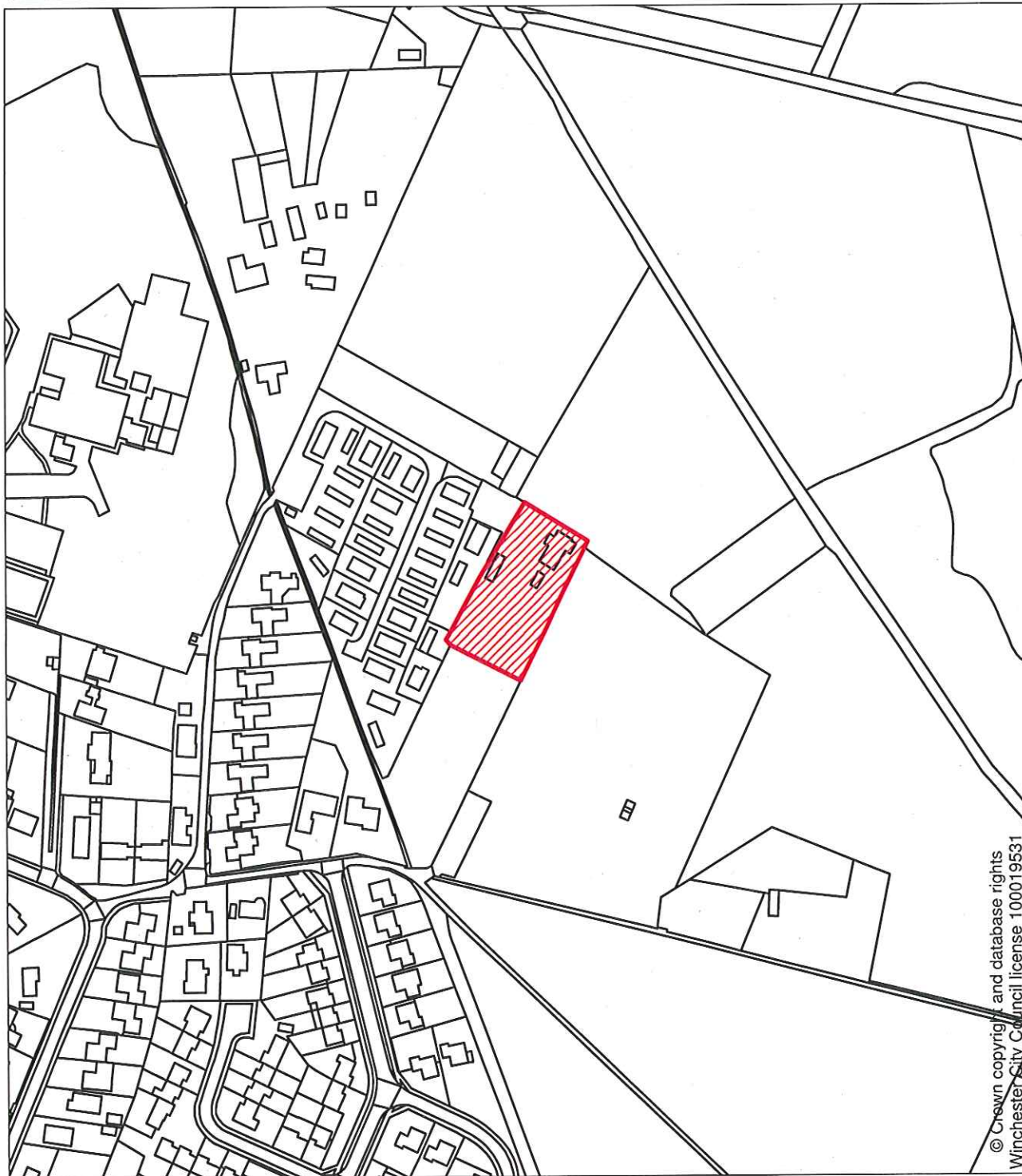


South View Park Homes, Olivers Battery Gardens, SO22 4HG.

16/00013/FUL



Winchester
City Council



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Legend

Scale: 0 0.0275 0.055 0.11 KM

Organisation	^Organisation
Department	^Department
Comments	^Comments
Date	26/07/2016
MSA Number	^MSA Number

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Item No: 02
Case No: 16/00013/FUL / W14317/04
Proposal Description: Change of use to allow for the replacement of caravan storage area with 8 residential park homes
Address: South View Park Homes Olivers Battery Gardens Olivers Battery Winchester Hampshire
Parish, or Ward if within Winchester City: Olivers Battery
Applicants Name: Mr Wally Russell
Case Officer: Mrs Jill Lee
Date Valid: 7 January 2016
Site Factors: Civil Aviation
Village Greens and Common Land
Recommendation: Application Refused

General Comments

This application is reported to Committee because of the number of supports received contrary to the recommendation.

Site Description

The application site is approximately 0.6 acres of land which lies to the south of the existing park homes site.

The site contains a row of significant protected beech trees to the northern boundary and some hedging to the western and southern boundaries. The site is relatively flat and part of it is used for the storage of mobile homes. There is an existing residential mobile home in the south eastern corner of the site adjacent to the boundary of the site.

To the south of the site is the recreation ground, to the west, allotment gardens, to the east agricultural land and to the north the existing mobile home park. The access to the site is via Olivers Battery Gardens which is characterised by detached two storey dwellings.

Proposal

It is proposed to use the site for the placing of 8 residential park homes.

Relevant Planning History

WIR / 8845 – use of land as a caravan site, permitted 1961.

05/01529/LDC – granted for the storage of up to a maximum of 25 mobile homes in connection with South View Park Homes.

07/00273/LDC – refused for the repair and refurbishment of mobile homes.

09/02278/LDC – granted for the use of land for the siting on one residential mobile home and one portakabin used for the purposes ancillary to the residential mobile home.

12/01952/FUL – Granted for the use of the land for the siting of a residential caravan and portakabin (relocation from lawful position retrospective), brick shed, gazebo, patio and shipping container. This application was subject to a S106 agreement which had the effect of revoking the lawful certificate reference 09/02278/LDC meaning that there was no longer any lawful use of this area of land.

14/00857/FUL – rear conservatory (retrospective) granted 11 July 2014.

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Consultations

Engineers: Drainage:

No objection provided foul water goes to the public sewer and storm water goes to soakaway.

Engineers: Highways:

The proposal is likely to result in a decrease in trip generation and transportation of caravans to and from the site. The proposal does not contain any significant highway issues and is unlikely to impact on highway safety.

Head of Strategic Planning:

The site is outside the settlement boundary of Winchester as shown in saved policy H3. Emerging policy DM1 of LPP2 indicates no change in the settlement boundary in this location. Residential development is not generally permitted within the countryside, except for the specific circumstances outlined in MTRA4 or for the occasional provision of affordable housing on exception sites (CP4). The application site is also within the Winchester – Compton Street local gap as outlined in policy CP18.

Housing Provision

Policy DS1 Development Strategy and Principles sets out a positive approach to the presumption in favour of sustainable development. Under policy WT1 (Development Strategy for Winchester Town) provision is made for about 2,000 homes at Barton Farm with some 2,000 new homes to be delivered through the development and redevelopment 'within and adjoining' the defined built-up area of Winchester. Analysis of proposed developments and opportunities within Winchester Town indicates that to achieve the level of development required over the plan period, there is no need to adjust the settlement boundary, or to make any allocations outside the settlement boundary. Monitoring of levels of development as indicated in the AMR and evidenced in several appeals, shows that the Council does have an adequate supply of housing sites. The case referred to by the applicants is not within Winchester District. It is therefore not accepted that there is a need to release this area of land for housing development. Saved policy H10 refers only to the retention of existing authorised mobile home parks and is not relevant to the current proposal for expansion.

Countryside & Exception Sites

MTRA4 outlines the limited circumstances in which development is generally allowed in the countryside. The development proposed does not fall within these categories. MTRA4 and CP4 (Exception Sites) exceptionally allow for the development of affordable housing within the countryside subject to specific criteria. The units should be developed to meet demonstrable local housing needs that cannot be met by policies applying within the settlement. The affordable housing must also be secured to meet long-term affordable housing needs in perpetuity. Home should generally be for rent. Schemes should have local community support. The design of schemes should be appropriate to the location.

Although park homes are a cheaper alternative to general market housing, the proposal does not fulfil all the criteria of CP4 above. There appears to be no requirement for the units to be occupied by persons in acknowledged housing need and/or from the local area and/or housing waiting list. Although the parish council do not object to the application subject to certain criteria such as screening and access improvements, the application has not been proposed by the local parish council, who often take the lead in identifying local exception sites.

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Nature of the Proposed Use

The applicants contend that the units proposed do not fall within the classification of a dwelling (Use Class C3) and are therefore exempt from CIL contributions. If this is the case then a contribution would also not be sought for affordable housing under policy CP3, as this only applies to new dwellings. If however the proposal was considered as C3, then contributions would be sought as usual in accordance with CP3, subject to any viability concerns. A similar approach would apply to policy CP11 in respect of energy and water efficiency.

Settlement Gap

The application site is within the Winchester – Compton Street local gap as identified in policy CP18. Within gaps only development that does not physically or visually diminish the gap will be allowed. The boundaries of gaps are currently shown on the 2006 Proposals map (and referenced in CE2) and will be superseded by the Policy Map accompanying LPP2. The site already has some development on it in the form of the storage of caravans subject to a lawful development certificate on part of the application site and a mobile home in the south-west corner of the site granted in 2012, therefore it may be that the proposal would not extend the area of built development southwards into the gap towards Compton. The application site is well-screened which limits visual intrusion and is bounded by the existing mobile home site and recreation ground and allotments on three sides. As a result of the proposal the nature of the site would change to one of residential use from what was the storage and repair of caravans with one mobile home on the area. Specialist landscape advice should be sought as to whether this change would result in greater visual intrusion into the gap.

Landscape Character

Account should be taken of the existing landscape and rural character and the setting of the development within it (CP20 Heritage and Landscape Character, saved policies DP3 General Design Criteria and DP4 Landscape and emerging policies DM14 Local Distinctiveness, DM22 Rural Character)

Consideration should be given as to how the proposal affects the green infrastructure network CP15 (Green Infrastructure), particularly the nearby PROW and views from it (see also emerging policy DM22 Rural Character).

Olivers Battery VDS refers to the Park Homes site and recognises its value as a source of low cost housing, which is well presented. It refers to the use of ancillary land for the storage of caravans and providing a grassed area for parking for caravan rallies. It acknowledges that the setting of the park provides fine southerly views towards Compton Down and this is one of five views identified on map 2 of the VDS. Design Criteria LV1 and LV2 directly relate to the site. LV1 resists further expansion of this site, or the expansion of commercial activities on the site due to the adverse effect on the surrounding countryside area. LV2 seeks to safeguard the beech tree belt on the south side which is subject to a TPO, as a screen to the surrounding countryside.

The proposal should have regard to the criteria of the OBVDS in respect of views of the open countryside, trees and screening.

The site is within the Hurley Scarplands Landscape Character Area. The built form strategy for that LCA seeks to resist visually intrusive development on elevated ridges.

Other Policies

CP13 (High Quality Design) and CP14 (Effective Use of Land) should be considered in how the proposal relates to its immediate surroundings. Policy CP7 seeks contributions for open space in association with new housing development and sets out relevant standards. Saved policies DP3 and DP5 seek adequate amenity space for new

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developments. Emerging policy DM6 provides further details on the provision of open space and amenity space in association with all forms of new development. General site design principles are set out in saved policy DM3 and emerging policies DM15 & DM16. Access and parking arrangements should be considered in accordance with saved policies T2 – T4 and emerging policy DM17. Sewage, drainage and flooding issues should be considered as covered in CP17.

Conclusion

The proposal is contrary to policies H3 and MTRA4 in that it is not a form of development generally permitted in the countryside. The proposal may be contrary to CP18 if it physically or visually diminishes the settlement gap. There are material considerations in terms of the existing lawful use of the site and the benefits that the proposal may bring when compared with the fall-back situation. Should the material considerations be considered sufficient to override the contravention of policies, then planting to the south and south-west would need to be retained and possibly increased in order to screen views of the development from the open countryside and the gap. Careful siting of the development may also help to minimise harm to the gap and views from the edge of Winchester. Other normal planning considerations will also apply and these may require conditions or obligations under CP21 where appropriate.

Head of Landscape:

The site is currently used for the storage / parking of vacant caravans / mobile homes awaiting refurbishment. It is well screened at the moment from the open countryside and the Gap by virtue of a mixed hedge running along the southern boundary, adjacent to the Recreation Ground. The site is at a higher level than the Recreation Ground.

There are also several other trees – both to the north of the site and to the south east of the site which are important in the landscape, helping the caravans in the 'park' visually integrate into this edge of countryside location.

It would be possible to change of use to residential caravan use on the site without creating increased visual intrusion within the landscape if the screening afforded the site by the mixed hedge on the southern boundary is retained, maintained and added to where necessary.

There is however an objection in principle to the provision of new homes within the countryside and Gap to the south as this could have the potential to harm the characteristics of the countryside at this point (LCA page 73 'resist visually intrusive development on elevated ridges').

Representations:

Olivers Battery Parish Council;

The proposals are described by WCC Planners as change of use to allow for the replacement of caravan storage area with 8 residential park homes. The Application Form (Section 17) states the proposal does not include the gain or loss of residential units, although the application description states 8 new residential park homes.

The Landscape and Visual Appraisal report (4.2.2) states that there are hedges to the south-eastern boundary but omits reference to the breach of the planning condition associated with the single residential mobile home (the effect of which can be clearly seen from a considerable distance away on their photograph 4).

The Landscape and Visual Appraisal report (7.1.1) states that the proposals would retain

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all the existing landscape features which comprise the mature trees and the existing hedgerow to the site boundaries.

The Landscape and Visual Appraisal report (8.1.2) states that the local roads would be unaffected by the proposals but omits reference to the poor condition of the short section of Compton Way, which is an unadopted road, leading to Oliver's Battery Gardens, which is a private road and the only vehicular access to the site. The surface condition of Compton Way has been made worse in May 2015 by unauthorised work by the Home Park owner to increase the width of the road by reducing the width of the pavement.

The Planning Statement (3.2) states that with regard to the application site itself, a Lawful Development Certificate (05/01529/LDC) was permitted for the storage of up to 25 mobile homes on 6 October 2005. However, it is not possible to access this on the planning website.

The Planning Statement (3.3) states that an application for a Certificate of Lawfulness for an Existing Use or Operation (07/00273/LDC), i.e. for the repair and refurbishment of mobile homes, was refused on 29 April 2009 (more than 2 years after its submission). Although Planning Enforcement was advised of this decision, it appears that repair and refurbishment of mobile homes has continued to this day.

The Planning Statement (4.5) states that outcomes from the consultation with residents included improvements to the access road and improved arrangements for visitor parking.

The Planning Statement (6.49 and 6.50) states that the proposal does not meet the WCC's definition of "residential" for CIL charging purposes and therefore not liable for any contribution. However, it is stated that the Home Park owner is prepared to pay any relevant development contributions by way of a Section 106 Agreement.

The OBVDS Design Guidelines for this area state:

- Further expansion of this site, or expansion of commercial activities on the site should not be permitted because it would have an adverse effect on the surrounding countryside area (LV1).
- The tree belt should be preserved and replanted where necessary to maintain Adequate screening (LV2).

In conclusion, the Oliver's Battery Parish Council, submits the following comments:

- The application is not considered to be contrary to the Oliver's Battery Village Design Statement, as it would not have an adverse effect on the surrounding countryside area provided that the existing screening is preserved, supplemented and maintained.
- If the application is approved, it is proposed that the short section of Compton Way, which is an unadopted road in poor repair and the start of the only access road to the site, should be required to be adapted, repaired and reinstated by the Home Park owner to the Hampshire County Council Highways Department's standards before the change of use takes place.
- If the application is approved, it is proposed that an appropriate level of visitor parking is provided by the Home Park owner (as highlighted in the consultation exercise with residents).
- If the application is not approved, enforcement action should be implemented to ensure that the repair and refurbishment of mobile homes ceases in line with the refusal to grant a Certificate of Lawfulness for an Existing Use or Operation (see 07/00273/LDC).

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7 letters received supporting the application for the following reasons:

- As existing residents on the site they would benefit from the change of use as there would be a decrease in movement of large transporters in and out of the site and surrounding roads.
- Will result in better views and less noise to existing residents on the site.
- Will increase affordable housing.

1 letter of comment only received.

- Concern over the root protection areas of the existing trees.
- Hedgerow has already been taken out and trees felled on the site.

Relevant Planning Policy:

Winchester District Local Plan Review

DP3 – General Design Criteria
DP4 – Landscape and the Built Environment
DP5 – Amenity Open Space
CE2 – Local Gaps
H3 – Settlement Policy Boundaries
T2–T4 – Transport and Parking

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles
WT1 – Development Strategy for Winchester
MTRA4 – Development in the Countryside
CP1 – Housing Provision
CP2 – Housing Mix
CP3 – Affordable Housing Provision on Market Led Housing Sites
CP4 – Affordable Housing on Exception Sites to Meet Local Needs
CP7 – Open Space, Sport and Recreation
CP11 – Sustainable Low and Zero Carbon Built Development
CP13 – High Quality Design
CP14 – The Effective Use of Land
CP15 – Green Infrastructure
CP17 – Flooding, Flood Risk and the Water Environment
CP18 – Settlement Gaps
CP21 – Infrastructure and Community Benefit

Winchester District Local Plan Part 2 Development Management and Site Allocations.

DM1 – Location of New Development
DM5 – Open Space Provision for New Development
DM14 – Local Distinctiveness
DM15 - Site Design Criteria
DM16 – Site Development Principles
DM17 – Access and Parking
DM22 – Rural Character

National Planning Policy Guidance/Statements:

National Planning Policy Framework

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Supplementary Planning Guidance

Oliver's Battery Village Design Statement 2008 design guidelines LV1 and LV2.

LV1 Further expansion of this site or expansion of commercial activities on the site, should not be permitted because it would have an adverse effect on the surrounding countryside area.

LV2 The tree belt should be preserved and replanted where necessary to maintain adequate screening.

Landscape Character Assessment 2004.

Planning Considerations

Principle of development

The application site is located within the designated countryside and within the local gap. The site is therefore outside the settlement boundary of Winchester. This situation is not intended to change in the LPP2 process and now that the Inspectors initial note has been received it is confirmed that the settlement boundary will not be revised to include this site. The Inspector has found that LPP2 is sound and that accepted that "the Council has demonstrated that a five year supply of deliverable housing land is presently available across the district and that there is no need to allocate additional or reserve new housing sites in LP2 over and above those identified in the plan for this reason".

The provision of open market housing on this site without justification is unacceptable and contrary to policy. There is therefore a clear conflict with the statutory adopted development plan policies.

LPP1 is clear that its proposed housing targets should be met in a plan-led way. This approach was supported by the Local Plan Inspector who agreed that any review of the settlement boundaries should be through Local Plan Part 2 (LPP2). The NPPF also stresses the importance of a plan-led system and the presumption in favour of sustainable development relates to proposals that accord with the development plan. Although the draft LPP2 is as yet unadopted the preparation work including site assessments and public consultation has preceded the publication of the draft Local Plan including Winchester and the consultation draft LPP2 for Winchester does not allocate the application site for development.

The Council can demonstrate an adequate supply of housing land and there is, therefore, no justification for releasing this site in advance of the process anticipated by LPP1. To do so would undermine the proper planning of the area as it fails to take account of the range of development needs that may exist, the potential sites on which to meet them, and the ability of alternative sites to provide for development needs. The development of this site can be considered through that process, alongside other options, weighed against all the factors, including the views of the local community, in accordance with the development plan process and localism. Indeed this application seeks to pre-empt the Local Plan process and, in the light of the outcome of work carried out to date, this site is not seen as a suitable or preferred location.

The current application site exceeds the area of the LDC for the storage of mobile homes and so would extend the mobile home park further into the countryside. The applicant uses the LDC land as a compelling fall back position to allow the 8 mobile units but this is not accepted by the Council particularly as the application site is larger than the LDC site and part of the LDC was revoked under the S106 agreement (7 October 2013) when the site owners mobile unit was relocated. In addition to this the application states that the

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repair and refurbishment of the mobile units on the LDC land is undertaken. This does not have planning permission and an LDC submitted to prove repair and refurbishment was not accepted.

The applicant argues that mobile homes are not dwellings and so are except from needing to provide CIL and affordable housing. They also argue that mobile homes are affordable dwellings but they would not comply with the requirements of CP3 or CP4 and are therefore unacceptable as the application makes no provision for affordable housing. The proposed development is therefore contrary to the adopted policies of the existing and emerging development plan and the principle of the development is unacceptable.

Design/layout

It is proposed to locate 8 mobile units on the application site. The existing storage of mobile homes on the site will be relocated to another site. The layout is similar to that already on the remainder of the mobile home park. There are no images of the mobile homes but they are assumed to be the same or similar to those already on the park. The design and layout are likely to be acceptable in terms of a mobile home park.

Impact on character of area and neighbouring property

There are no neighbouring properties other than existing park homes to the north of the application site. There are allotments and open playing fields to the other boundaries. The site is reasonably well screened

Landscape/Trees

The site is well contained within existing vegetation and there is a row of protected Beech trees separating the site from the existing park.

The tree officer has concerns about more construction within the root protection areas of the protected trees as the mobile homes to the north already impact on this and the trees are likely to suffer with more development within the root protection areas.

Highways/Parking

The site has an LDC for the storage of up to 25 mobile homes and it is likely that the proposed use would reduce the number of trip generations and transportation of caravans to and from the site. However this was based on the assumption that the applicant was also undertaking repairs to the mobile homes and then selling them on. This does not have planning permission and the storage of mobile homes alone would probably not generate the number of trips that refurbishment and repair would and so this cannot be a reliable fall back position. In addition the applicant has exaggerated the amount of land covered by the LDC which again casts doubt on the fall back position.

Recommendation

Application Refused for the following reasons:

Reason:

01 The proposed development would be contrary to saved policies H3, DP3 and CE2 of the Winchester District Local Plan 2006 Review and policies DS1, MTRA4, WT1 and CP18 of the Winchester District Local Plan Part 1 - Joint Core Strategy in that it would result in unjustified residential development within the designated countryside and with a local gap outside the settlement boundary of Winchester which would be harmful to the character and appearance of the area. The Local Planning Authority has successfully shown a 5

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year supply of deliverable housing land through the local plan process and there is no justification or need to allow housing on this site.

02 The proposed development is contrary to policies CP3 and CP4 of the Winchester District Local Plan Part 1 – Joint Core Strategy in that it makes no provision for affordable housing and would therefore be detrimental to the provision of affordable housing in the District.

Informatives:

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 in which the applicant was advised that the Local Planning Authority could give no encouragement to the submission of a planning application.

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

Winchester District Local Plan Review 2006:

DP3 - General Design Criteria

DP4 - Landscape and the Built Environment

DP5 - Amenity Open Space

CE2 - Local Gaps

H3 - Settlement Policy Boundaries

T2-T4 - Transport and Parking

Local Plan Part 1 - Joint Core Strategy:

DS1 - Development Strategy and Principles

WT1 - Development Strategy for Winchester

MTRA4 - Development in the Countryside

CP1 - Housing Provision

CP2 - Housing Mix

CP3 - Affordable Housing Provision on Market Led Housing Sites

CP4 - Affordable Housing on Exception Sites to Meet Local Needs

CP7 - Open Space, Sport and Recreation

CP11 - Sustainable Low and Zero Carbon Built Development

CP13 - High Quality Design

CP14 - The Effective Use of Land

CP15 - Green Infrastructure

CP17 - Flooding, Flood Risk and the Water Environment

CP18 - Settlement Gaps

CP21 - Infrastructure and Community Benefit

Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations:

DM1 - Location of New Development

DM5 - Open Space Provision for New Development

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DM14 - Local Distinctiveness
DM15 - Site Design Criteria
DM16 - Site Development Principles
DM17 - Access and Parking
DM22 - Rural Character