

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 10 November 2004

Item No: 03
Address: 23 Church Lane Colden Common Winchester Hampshire SO21 1TW

Parish/Ward Colden Common

Proposal Description: Demolition of bungalow and erection of two storey terrace comprising of 2 No: three bedroom and 4 No: two bedroom dwellings with associated parking

Applicants Name TNT Developments

Case No: 04/02351/FUL

W No: W09208/03

Case Officer: Mr Peter Eggleton

Date Valid: 8 September 2004

Delegated or Committee: Committee Decision

Reason for Committee: At the request of a councillor

Site Factors: Civil Aviation

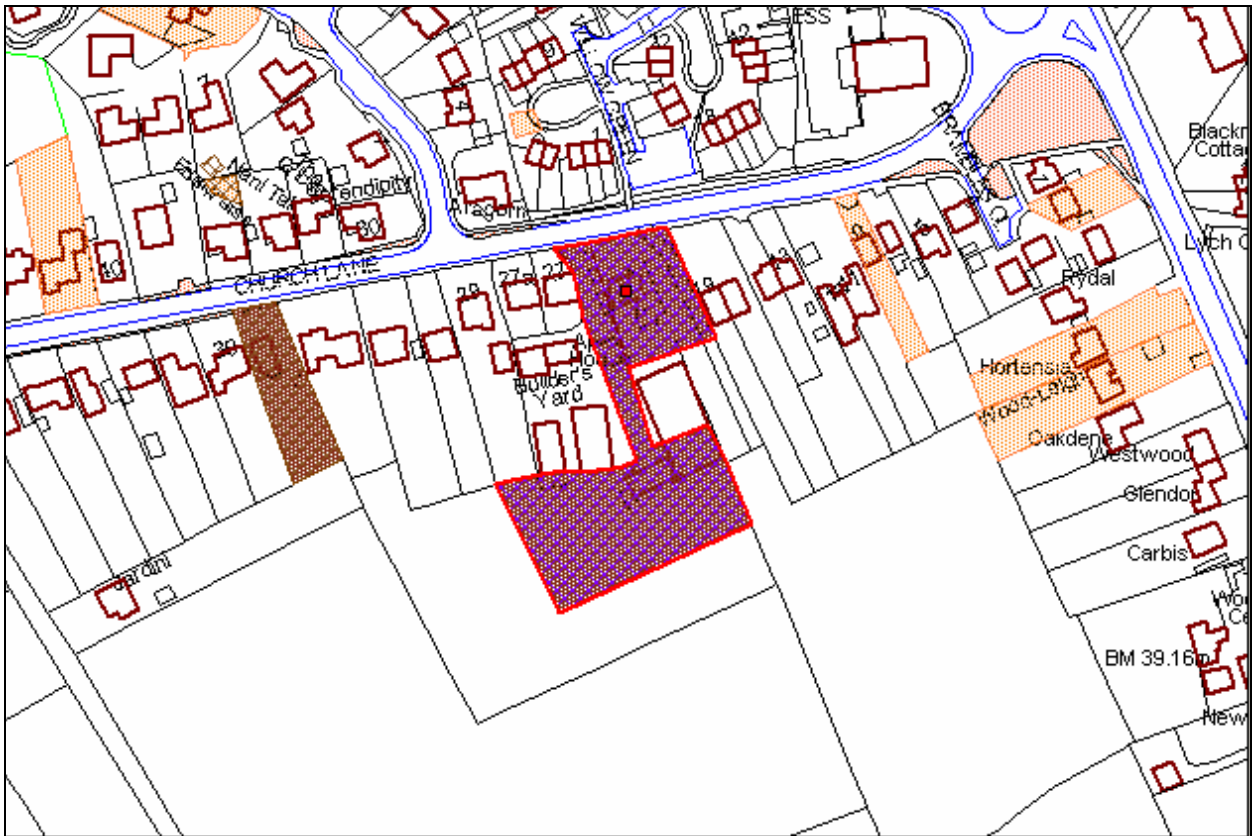
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SITE LOCATION PLAN

Case No: 04/02351/FUL **W No:** W09208/03

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Site Description

- The existing commercial property is a former bungalow which is set back from Church Lane. Properties to either side are two storey but the street is generally mixed with bungalows, dormer bungalows and houses. The access to the industrial buildings is to the west of the property, to the east is a linear copse of trees and bushes which follow the line of a water main and which currently separates the property from the dwelling to the north.

Relevant Planning History

- WIR 21332 Erection of 2 dwellings, office block and joinery/store, following demolition of existing shop/bungalow and office/joinery. Outline permission 17-12-71.
- WIR 21332/1 Erection of 2 stores in connection with builders yard following demolition of four existing stores: Outline permission 24-4-72.
- WIR 21332/2 Erection of store. Approval of details relating to above 27-06-72.
- WIR 21332/3 Erection of offices. Permitted 24-7-72.
- WIR 21332/4 Erection of two dwelling houses. Permitted 12-1-73.
- W14226 Portable Office extension with link to existing. (RETROSPECTIVE). Per 07-09-95.
- W14226/01 Illuminated Sign. Refused 04-03-96 and Dismissed on appeal 17-09-96.
- W14226/02 Siting of temporary office onto existing connecting link to principle offices (RETROSPECTIVE). Permitted 07-05-96.
- W14226/03 Use of building A for offices B1(a) and buildings B, C and D for B1(c) or B8 (RETROSPECTIVE). Permitted 13 April 2000.
- W14226/04 Use of building for B1(a) office use (RETROSPECTIVE)
- W14226/05 Erection of 5 No starter units for use as store/offices and light industrial with associated parking: Refused 12 December 2002.
- W09208/02 Demolition of bungalow and erection of terrace of 7 2 and 3 bed dwellings. Refused 9 September 2003

Proposal

- As per Proposal Description

Consultations

Engineers: Drainage:

- No objection

Engineers: Highways:

- No objection subject to conditions

English Nature:

- Bats and slow worms are present. Further survey required if felling of trees is to take place as these may have potential for bats. The proposed mitigation by moving the slow worms is only considered acceptable mitigation as a last option. Consider that if consent were granted the proposed mitigation measures be required, a further survey be undertaken and all clearance work only be carried out outside the bird breeding season (March to August) inclusive).

Environment Agency:

- No objection

Environmental Health:

- Concern with regard to lorry traffic servicing the units to the rear of this property. Recommends a condition requiring a scheme for protecting the proposed dwellings from noise from vehicle movements.

Landscape:

- Recommends refusal due to lack of information with regard to existing trees and concern as to the clear felling of the waste land. Also some concern with regard to the frontage wall, the

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rear garden access and the location of the garden sheds and the dwellings.

Southern Water:

- Would like to see no net increase in flow to foul sewer.
- There is a water main running across the site and no development or new tree planting should be located in the 7.5 metre wide easement area.

Estates

- Recommends refusal but seeks further evidence of advertising and details of offers to consider if lack of interest is due to an inflated asking price and why the interest there was, was dropped.

Representations:

Colden Common Parish Council

- Comment that the density is questionable, concern over ecological impact, inappropriate to the location and concern over the potential loss of the copse which has been a wildlife habitat for over 90 years.

Letters of representations have been received from 8 Neighbours

- The wooded area will be destroyed leaving wildlife homeless
- The gardens are situated over a large water main
- The gardens and parking area will be very close to the neighbouring properties which will have noise impacts on them.
- The proposal will result in cars parking in the road affecting other resident's access and amenities and increase traffic volumes. This will be made worse as there is no provision for commercial vehicles
- Drainage in the village is already a problem
- The relationship between the housing and the industrial estate is not acceptable, will it become a play ground for children with noise and safety issues. There is no provision for children's play.
- The plans show a hedge which does not exist and which is not wanted by the adjacent occupier.
- The proposal constitutes over development of the site out of character with other development along Church Lane
- Not accepted that there is no demand for employment especially as more employment buildings are currently being developed close by. Employment in the village is considered vital.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3, T5, T6, H5, H7, H8 and R2

Winchester District Local Plan

- EN.5, EN.7, H.5, FS.3, T.9, T.12 and RT.3

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP.1, DP.3, DP.5, DP.6, H.5, H.7, T.2 and RT.3

Supplementary Planning Guidance:

- Achieving a Better Mix in New Housing Developments
- Guide to the Open Space Funding System
- Movement, Access, Streets and Spaces
- Parking Standards 2002

National Planning Policy Guidance/Statements:

- PPG 1 General Policy and Principles
- PPG 3 Housing
- PPG 4 Industrial and Commercial Development by Small Firms
- PPG 13 Transport

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- PPG 17 Sport and Recreation

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area/spatial characteristics/street scene
- Detailed design
- Residential amenities
- Highways
- Public open space provision
- Nature conservation
- Drainage/flooding
- Affordable housing

Principle of development

- The property is currently in commercial use at the entrance to a larger industrial area. Although evidence has been put forward to suggest that its potential for re-use is limited and rebuilding is not particularly viable, it is not accepted that a commercial use can not continue on the site or that it will not be suitable for commercial activity into the future.
- The move in Government and Council policy towards more sustainable development encourages mixed use areas which avoid the need to travel. This may have significant implications for re-development of countryside properties for commercial uses. It is therefore essential that commercial properties that are in the settlements are protected as they are more sustainable than other options.
- Although the proposal does not prevent the continuation of the commercial area to the rear it will result in new dwelling lining the access road. It is a concern that the impact of vehicle movements and activities in the commercial area will lead to pressure for the remaining commercial properties to be re-developed for housing.
- The proposal E.2 in the Local Plan and the Review allows change from commercial to other uses if the existing use adversely impacts on neighbouring uses or the benefit of the proposed use outweighs the benefits of the existing use. There is no evidence that the commercial activity from this property affect adjoining properties to the point whereby it would be a benefit to have them removed. The benefit of market housing is not considered to outweigh the benefit of commercial property. The development plan seeks the retention of both and the Local Plan Review has identified that housing targets can be achieved within the plan period. Affordable housing has been demonstrated to be in shortfall and a case could perhaps be made for the loss of this property if it were replaced by affordable housing, however that is not proposed, and no affordable housing would be achieved as a result of this application.

Impact on character of area

- The character of the area would be changed. The area of woodland copse would be removed and replaced with the two storey end of terrace, set 4 metres back from the road and the 1.8 metre high wall. The loss of the copse would be regrettable but it is not suitable for formal protection
- The area is a very mixed residential area and therefore it is considered that the design of the terrace would present an acceptable frontage to Church Lane.
- The 1.8 metre high wall will be adjacent to the footpath for 8 metres and will screen the rear gardens from the road. The wall will present a more urban edge to the development replacing the greenery of the copse.
- On balance it is considered that although the loss of the greenery is unfortunate and the prominence of the wall and dwellings will result in a more urban form, overall as there is no protection for the existing woodland and the proposal makes more efficient use of the land in what is already a mixed residential area that the proposal would be acceptable in terms of

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impact on the character of the area.

Detailed design

- The detailed design of the proposal is considered to be acceptable.

Residential amenities

- The property to the east of the site, number 19 will be most affected by the development. However on balance it is considered that although overlooking of the front of the property would occur; there would be obscure views back towards the dwelling; there would be activity in the new garden areas where previously there was none; the outlook from the front of the house would be of rear gardens rather than the current copse of trees; and parking provision would be close to the side of the house, the overall impact on this property would not be such as to justify refusal of the application.
- The property to the west, number 27, will have an increase in overlooking of its rear garden and views towards the rear of the house from proposed first floor windows, however it has a high garden fence, views will be at obscure angles and from a reasonable distance. The loss of amenity is considered to be acceptable. This property is within the applicant's ownership and control.
- Impact on other properties will be less than those set out above.

Highways

- The proposal is considered to meet the highway requirements, however the bicycle sheds are within the easement for the water main and as such it is not clear if they can be built.

Public open space provision

- Open space would not be required on a site such as this and therefore a contribution would be required.

Nature conservation

- English Nature are not happy with the mitigation measures proposed to protect wildlife interests but accept that relocation of the species would be the only option that would allow the development to go ahead. They consider that a further bat survey should be undertaken if trees are to be removed.

Drainage/flooding

- No concerns have been identified by the Drainage Engineer or Environment Agency.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for open space provision the Local Planning Authority has had regard to the tests laid down in Circular 1/97 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

REFUSE – subject to the following refusal reason(s):

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Conditions/Reasons

01 The proposal results in the loss of B1 premises and the local authority is not satisfied that the justification for its loss falls within the criteria set out by proposal E.2 of the Local Plan and Review nor that the premises can not remain as a valuable long term resource, in addition the Council is not satisfied that the proposal will not prejudice the retention of the remainder of the industrial complex. The proposal is therefore contrary to proposal E.2 of the Winchester District Local Plan and the Local Plan Review and policy H5 of the County Structure Plan Review.

02 The proposal is contrary to the policies of the Hampshire County Structure Plan and the Winchester District Local Plan 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. The proposal would also be likely to prejudice the Hampshire County Structure Plan (Review), the Winchester District Local Plan and the emerging Winchester District Local Plan (Review), in that it would undermine this Plan's Policies for recreational open space provision within the District.

Informatives

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

Hampshire Structure Plan 1996-2011 Review. Policies UB3, T5, T6, H5, H7, H8 and R2
Winchester District Local Plan; proposals E.2, EN.5, EN.7, H.5, FS.3, T.9, T.12 and RT.3
Winchester District Local Plan Revised Deposit 2003; proposals C.10, DP.1, DP.3, DP.5, DP.6, H.5, H.7, T.2 and RT.3

02. The planning authority is not satisfied that the proposal can be carried out without contravention of the easement relating to the water main which crosses the site.