

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA 23 June 2005

**Item No:** 14  
**Address:** Regal House Upham Street Upham Southampton Hampshire SO32  
1JA

**Parish/Ward** Upham

**Proposal Description:** Residential re-development for a detached dwelling and detached  
garage (OUTLINE - considering siting and access)

**Applicants Name** Mr Richard Smeed

**Case No:** 05/00807/OUT

**W No:** W10177/11

**Case Officer:** Mrs Julie Pinnock

**Date Valid:** 24 March 2005

**Delegated or Committee:** Committee Decision

**Reason for Committee:** At the request of a councillor

**Site Factors:** Countryside

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**Site Description**

- Regal House is a commercial premises on the north west side of Upham Street
- Vehicular access is shared with the occupiers of Arbour Cottage
- There are two single storey buildings on the site set back beyond the road frontage
- One of the buildings is dark stained timber, used for office purposes the other is a steel framed building

**Relevant Planning History**

- W10177 - Erection of two detached dwellings - Regal House Upham Street Upham Southampton Hampshire SO32 1JA - Application Refused - 03/11/1987
- W10177/01 - Replacement storage building - Regal House Upham Street Upham Southampton Hampshire SO32 1JA - Application Refused - 11/04/1989
- W10177/02 - Replacement storage building - Regal House Upham Street Upham Southampton Hampshire SO32 1JA - Application Permitted - 03/08/1989
- W10177/03 - Replacement plant hire building - Regal House Upham Street Upham Southampton Hampshire SO32 1JA - Application Refused - 11/12/1990
- W10177/04 - Replacement plant hire building - Regal House Upham Street Upham Southampton Hampshire SO32 1JA - Application Permitted - 05/03/1991
- W10177/05 - Single storey office and store building: land adj - Arbour Cottage Upham Street Upham Southampton Hampshire SO32 1JA - Application Refused - 11/02/1992
- W10177/06 - Change of use from tool equipment and contractors plant hire business to B1 use offices - Land Adj Arbour Cottage Upham Street Upham Southampton Hants SO32 1JA - Application Permitted - 10/08/1999
- W10177/07A - Non-illuminated free standing directional sign (RETROSPECTIVE) - Land Adjacent To Regal House Upham Street Upham Southampton Hants - Application Permitted - 29/06/2000
- W10177/07B - Removal of condition no.1 of Planning Permission W10177/06 (Permission granted for a limited period) - Regal House Upham Street Upham Southampton Hants - Application Permitted - 01/02/2002
- W10177/08 - Removal of condition No. 2 of planning permission W10177/6 (personal condition) - Regal House Upham Street Upham Southampton Hants - Application Permitted - 01/07/2002
- W10177/09 - Erection of 1 no. five bedroom dwelling and detached garage/workshop with new pedestrian access and ancillary change of use of existing paddock to garden - Land Between Arbour Cottage And Tanglewood Upham Street Lower Upham Hampshire - Application Withdrawn - 13/08/2004
- W10177/10 - Demolition of existing garage and erection of 1 No. five bedroom dwelling with detached garage/workshop and new pedestrian access (May affect a public right of way) - Land Between Arbour Cottage And Tanglewood Upham Street Lower Upham Hampshire - Application Refused - 09/11/2004

**Proposal**

- As per Proposal Description
- The application proposes the demolition of the existing buildings at the site and their replacement by a detached 'L' shaped dwelling with a footprint of 150 sq.m.
- No indicative information has been provided to illustrate whether the proposal is for a single storey building, or indeed a two storey building
- The application is an outline application, and the applicant has asked for siting and means of access to be considered as part of this outline application, with all other matters including design, external appearance and landscaping reserved for future consideration

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**Consultations**

Engineers:Highways:

- Site currently has access onto the B2177 Upham Street, although visibility at this access does not meet current standards, it is acknowledged that there is an existing permitted B1 use on site
- In view of the above, it is unlikely that the proposed use will generate any more traffic than the existing commercial use and so a highway objection could not be sustained

Environment Agency:

- No objection

Landscape:

- Recommend refusal as contrary to policies
- The site is within the countryside behind frontage development and thus is contrary to policy which seeks to protect the rural character and landscape
- There is an existing local employment use on the site, which promotes sustainability but if this is lost the in-balance between residential and employment will be exacerbated if further housing is built
- No tree information submitted with the application and the proposal will result in the loss of trees
- Suggested siting of the building is close to the neighbours garden where there are important trees which would be adversely affected
- If housing development is approved there would be the need to substantially strengthen the boundaries, as there would be greater visual intrusion, hedgerows would need to be retained by condition, as once within the domestic curtilage the Hedgerow Regulations do not afford protection

Portsmouth Water:

- The detached dwelling will be required to have a separate water supply from our water mains
- Have experienced problems where water supply has been taken from adjacent building which is an unauthorised connection which provides extensive problems for both the vendor and water undertaker at a later date

Southern Water:

- The applicant has not stated details of means of disposal of foul drainage from the site
- There are no public sewers in this area

**Representations:**

Upham Parish Council

- The Council have no objection providing the positioning and design would be in accordance with the Village Design Statement and size of plot

Letters of representations have been received from 1 Neighbour

- Support the application for the following reasons
- Existing premises are subject to restriction on use and operating hours, although the only way to ensure this is adhered to is frequent checks by Council Officials
- Site has had a number of different projects, none of whom have observed the time restrictions or used the site purely for storage
- All business activities have resulted in noise, pollution, ingress and egress by personnel and cars and large transport vehicles
- The large vehicles have cranes facilities, cause damage to the road surface, cut up the grass verge, park in dangerous positions
- A unique opportunity has arisen to cease any further aggravation to local residents by allowing a residential use at this site
- It will benefit the Council as there will be no more complaints about damaged roads and verge and more security for pedestrians

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

- UB3, C1, C2, R2, H.10, T5

Winchester District Local Plan

- C.1, C.2, C.14, EN.5, H.2, H.3, E.2, RT.3, T.9

Winchester District Local Plan Review Deposit and Revised Deposit:

- C.1, C.17, DP.3, H.3, H.4, E.2, RT.3, T.2, T.3, T.4

Supplementary Planning Guidance:

- Upham Village Design Statement
- Technical Paper: Open Space Provision and Funding
- Guide to the Open Space Funding System
- Movement, Access, Streets and Spaces
- Parking Standards 2002

National Planning Policy Guidance/Statements:

- PPS 1 Delivering Sustainable Development
- PPG 3 Housing
- PPS 7 Sustainable Development in Rural Areas
- PPG 9 Nature Conservation
- PPG 13 Transport
- 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
- Residential amenities
- Highways
- Public open space provision
- Comments on representations

Principle of development

- The site is situated in the countryside outside the defined development frontage for Lower Upham, policy H.2 of the adopted local plan and H.3 of the emerging local plan allow for residential frontage development provided the proposal reflects the curtilage size and character of the locality; avoids development of plots in depth, such as backland or tandem development
- The application proposes an 'L' shaped dwelling with a very small proportion of the proposed dwelling in the development frontage
- The bulk of the proposed dwelling, its garage and residential curtilage are all situated beyond the recognised frontage in a backland position
- The proposal also results in the loss of an employment use at the site which is contrary to policy E.2 of the adopted local plan and E.2 of the emerging local plan which seeks to retain the variety and number of employment opportunities in the District
- The agent has suggested that the application accords with Upham Village Design statement, however Officers advise that the Village Design statement has been prepared as Supplementary Planning Guidance to the adopted local plan, and indeed page 4 refers to the settlement character and specifically states that "Non-agricultural developments outside the original existing settlements, or on open fields within them, which are not currently within the defined development frontages should not be permitted".
- Page10/11 deal with specific guidance of plots and houses, however this does not override the presumption against development beyond the recognised development frontage

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- The agent has cited paragraph 42(a) of the recent update to PPG3 in January 2005 which states that “Local Planning Authorities should consider favourably planning applications for housing or mixed use developments which concern.... Redundant land or buildings in industrial and commercial use, but which is no longer needed for such uses.....”
- Your Officers do not consider that the site is redundant, nor has any information been submitted with the application to suggest this, or that it has been marketed appropriately and that there is no realistic prospect of the employment use continuing at the site
- Officers would also draw Members attention to the refusal of planning permission for a dwelling between Tanglewood and Arbour Cottage to the north west of the site
- It proposed a dwelling and a large workshop/garage located beyond the H.2 frontage boundary in land designated as countryside and was therefore contrary to policy and refused on the scale, mass and depth of the proposed and size of the garden out of character with the rural area

Impact on character of area

- The site is situated some 12m beyond the road frontage, behind the garden of Dolphin Cottage
- The boundary adjacent to Upham Street is a 2m hedge, and the boundary within the garden of Dolphin Cottage adjacent to the application site is a higher hedge
- A proposed dwelling would be situated beyond these hedges and would result in development in a backland situation
- It is difficult to assess whether the proposal would be visible in public views as design and external appearance is reserved for future consideration
- However you Officers consider that a two storey dwelling in this location on the siting shown would be visible in views from Upham Street

Residential amenities

- A dwelling so close to the boundary may introduce overlooking to the private garden of Dolphin Cottage, although this is something that could be controlled when assessing the design and external appearance

Highways

- The highway engineer has raised no objection to the proposal

Public Open Space provision

- The applicant has submitted a unilateral undertaking to deal with the open space which is being checked by the Council's legal team

Comment on representations

- One letter of support has been received by a local resident on the basis that a residential dwelling at this site would be more appropriate than the commercial activity taking place at the site
- The approved planning use of the site is for B1(a) use only and the use of the workshop building for industrial storage purposes is to be ancillary and subservient to the primary use of the site and shall not become a separate or dominant use at any time
- The Council has investigated a complaint in March 2005, however no breach of the authorised planning permission was found

**Planning Obligations/Agreements**

**Recommendation**

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

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**Conditions/Reasons**

01 The proposed development does not accord with the requirements of policies UB3, C1 and C2 and H10 of the Hampshire County Structure Plan 1996-2011 (Review) and proposals EN.5, C.1, C.2, H.2 and E.2 of the Winchester District Local Plan and proposals DP.3, C.1, C.1, H.3 and E.2 of the Winchester District Local Plan Review and Revised Deposit in that it would:-

- (a) represent an undesirable additional dwelling for which there is no overriding justification in an area of countryside outside the development frontage;
- (b) cause material harm to the rural character of this area and would set an unwelcome precedent for further development outside the development frontage,
- (c) results in the loss of an employment generating activity.

02 The proposal is contrary to Policy R2 of the Hampshire County Structure Plan (Review) and Policy RT3 of 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 Policy RT3 of 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 County Structure Plan Review: UB3, C1, C2, R2, H.10, T5

Winchester District Local Plan Proposals: C.1, C.2, C.14, EN.5, H.2, H.3, E.2, RT.3, T.9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: C.1, C.17, DP.3, H.3, H.4, E.2, RT.3, T.2, T.3, T.4