

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 6 October 2005

Item No: 13
Address: 50 Falcon View Badger Farm Winchester Hampshire SO22 4EP

Parish/Ward Badger Farm

Proposal Description: Change of use from open space to domestic garden
(RETROSPECTIVE)

Applicants Name Mr P Bharrathann

Case No: 05/01996/FUL

W No: W19474/02

Case Officer: Mrs Angela Banham

Date Valid: 9 August 2005

Delegated or Committee: Committee Decision

Reason for Committee: Parish Council submitted representations contrary to officer
recommendation

Reason for Committee: 4 or more representations contrary to the Officer's recommendations
have been received

Site Factors: Former Amenity land
Civil Aviation

Site Description

- 50, Falcon Close is an end terrace property in a high density development on Badger Farm.
- The garden of this property slopes steeply up from the house.
- A footpath runs to the side and back of the property and the garage for no 50 is located on the other side of this footpath, close to the road.
- The present owner of no 50 inherited the site in its current state and is the legal owner of the land which is the subject of this application. (Checked with land registry)
- The land which was formerly part of the open space land for the Badger Farm development, is currently fenced and in a very disorderly state and contributes nothing to the house or the local environment.

Relevant Planning History

- W/19474 Change of use to 2 flats and two storey rear extension. Refused April 2005
- W/19474/01 Change of Use to 2 flats and single storey rear extension with dormers. Refused July 2005
- Enforcement Case no 05/00280/COU which led to this application
- The applicant was advised that if an application was not submitted then a Section 215 notice would be served in order to ensure that the site was tidied up.

Proposal

- As per Proposal Description

Consultations

Enforcement:

- Wanted this application to be submitted so that if approved stringent conditions could be set in order that the land could be returned to its original condition as open space and the council would be able to have some control over its development.

Landscape:

- Recommend that the fence and stored materials are removed and a robust lower fence be erected.
- It is important that these green areas should remain as such in this high density development.

Representations:

City of Winchester Trust:

- No comment submitted

Badger Farm Parish Council

- Object would set a precedent by removing open space.

Letters of representations have been received from 5 Neighbours

- Five letters of objection to the sale of the land.
- Security aspects along the narrow dark path raised as an issue
- Want this area retained as open space so that a precedent is not set for other on the estate.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3 H5

Winchester District Local Plan

- EN5 EN8

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP3 DP6

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Supplementary Planning Guidance:

- Guide to the Open Space Funding System

National Planning Policy Guidance/Statements:

- PPS 1 Delivering Sustainable Development
- PPG 3 Housing
- PPG 18 Enforcing Planning Control

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area/spatial characteristics
- Residential amenities
- Public open space provision
- Comments on representations

Principle of development

- This proposal is acceptable, providing it can be controlled by firm conditions which ensure that the character of the former area of open space can be retained. At this stage, since the land is no longer in public ownership, this is the only way in which it can be ensured.

Impact on character of area

- This site currently has a very adverse impact on the character of the area as described above.
- The approval of this application would give the Local Planning Authority the means to enforce the conditions if necessary.
- It also limits the amount of land within this curtilage on which structures can be built ie to within the walled area. (see previous history of the site)
- A landscaping condition ensures that the site would appear more pleasant in the views from the footpath which is well used by other areas of the estate
- It is therefore proposed that Planning Permission be granted subject to the following conditions.

Recommendation

APPROVE – subject to the following condition(s):

Conditions/Reasons

01 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

02 No structures of any kind shall be erected on the land which is the subject of this application.

02 Reason: in the interest of the visual amenities of the locality.

03 The wall which limits the curtilage of the original site shall be re-instated with the original bricks or with bricks to be approved by the local authority in writing.

03 Reason: in the interest of satisfactory development.

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04 The close boarded fence which currently borders the site shall be permanently removed from the site, and all materials and debris currently stored on site shall be permanently removed.

04 Reason: in the interest of the visual amenities of the neighbourhood.

05 A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

05 Reason: To improve the appearance of the site in the interests of visual amenity.

06 Detailed plans showing the boundary treatment along the boundary with the footpath shall be submitted to and approved by the Local Planning Authority in writing within 3 months of this Consent.

06 Reason: in the interest of satisfactory development