

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 24 August 2006

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Decision

Case No:	06/01857/FUL	Valid Date	18 May 2006
W No:	04232/10	Recommendation Date	4 August 2006
Case Officer:	Mr Neil Mackintosh	8 Week Date	13 July 2006
		Committee date	24 August 2006
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	(THIS IS A DEPARTURE FROM THE POLICIES OF THE DEVELOPMENT PLAN) Erection of four bed dwelling and detached garage, stables, manege (unlit); change of use of land from agricultural to equestrian; change of use of land to residential
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Site:	Newtown Garage Church Road Newtown Fareham Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
N	Y	N	Y	N	Y	Y

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed		
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

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Item No: Item 09
Case No: 06/01857/FUL / W04232/10
Proposal Description: (THIS IS A DEPARTURE FROM THE POLICIES OF THE DEVELOPMENT PLAN) Erection of four bed dwelling and detached garage, stables, manege (unlit); change of use of land from agricultural to equestrian; change of use of land to residential
Address: Newtown Garage Church Road Newtown Fareham Hampshire
Parish/Ward: Soberton
Applicants Name: Mr R Doney And B Doney
Case Officer: Mr Neil Mackintosh
Date Valid: 18 May 2006
Site Factors: Countryside

Recommendation: Application Permitted

General Comments

This application is reported to Committee at the request of Soberton Parish Council, whose request is appended in full to this report

This application is reported to Committee at the request of Councillor Pearson whose request is appended in full to this report

Your officers consider that there are material considerations that would justify allowing a departure from the Development Plan and therefore to allow the development of part of the site for a single dwelling house.

Site Description

The application site consists of 0.55ha of land at the junction of Church Road and Hundred Acres Road, Newtown.

The northern part of the site forms part of the former Newtown Garage, a commercial garage that once had petrol pumps and a repair workshop. The workshop has been demolished and part of the site has been cleared. However, lorry bodies and other evidence of the former use remain on the site. The southern part of the application site is agricultural land with a hedge on the roadside boundaries. It is separated from the commercial site by an earth bund which is surmounted by vegetation.

To the north of the application site is land within the control of the applicant that is currently being developed by the construction of four houses.

Proposal

This proposal has three elements;

1. to erect a four bedroom house with double garage to the front of the commercial site,
2. to use the rear of the commercial site for equestrian livery use; erect a stable block and construct a manege and
3. to change the use of the remainder of the land from agricultural use to equestrian use.

Relevant Planning History

W19031 – erection of 10 dwellings, refused September 2004, dismissed at appeal
W19031/01 – erection of 10 dwellings, appeal against non-determination dismissed at appeal
W04232/08 – erection of 2 detached dwellings & two semi-detached dwellings, permitted March 06
LDC364 – use of land for the open storage of motor vehicles, lawful development certificate granted July 06

Consultations

Engineers: Highways:

No objections, subject to conditions

The previous use of the site by Newtown Garage will have produced a significant amount of traffic and this proposal will result in lower traffic generation.

Access will be via a new vehicle access which will also serve the garages of Plots 3 & 4 adjacent. This drive should be widened to 4.1m to allow vehicles to pass. In addition, the use of the stables and manege should be limited so that a commercial use does not generate a volume of traffic that is significantly greater than that which is anticipated.

Environmental Health:

Consulted on previous application for next door site and the question of contamination was raised. A contamination report has been prepared for both sites and Environmental Protection Team has approved the report and the mitigation measures proposed.

Environment Agency:

No objection raised but comments regarding contaminants.

Landscape:

There would be a significant improvement in visual amenity with the removal of the existing land use. If this application is acceptable, in principle, it would be a good addition to the landscape and would set the scene at this end of the settlement.

Representations:

Soberton Parish Council

Object - the site is not sustainable and the design is contrary to the VDS as the house is three storey (see attached).

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

- unsustainable site
- outside building boundary
- loss of agricultural land
- increased traffic generation
- contrary to Village Design Statement

Four letters of support received.

- would add symmetry and complete the village
- would fit in well with the area
- existing commercial use will be relinquished

Relevant Planning Policy:

Hampshire County Structure Plan Review:

H5, UB3, T2, T6, R2

Winchester District Local Plan Review:

CE5, H4, DP3, DP10, DP13, RT3

National Planning Policy Guidance/Statements:

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PPG 3 Housing
PPS 7 Sustainable Development in Rural Areas
PPG 13 Transport
PPG 14 Development on unstable land
PPG 17 Planning for Open Space, Sport and Recreation
PPS 23 Planning and Pollution Control

Supplementary Planning Guidance/Documents
Soberton and Newtown Village Design Statement
SPD - Implementation of Infilling Policy

Other Planning guidance
Guide to the Open Space Funding System
Movement, Access, Streets and Spaces
Parking Standards 2002
Winchester District Landscape Assessment

Planning Considerations

The main issue to be considered by the Committee is whether there are material considerations unique to this site that would justify allowing a dwelling house on part of the land which lies in an area of countryside that would not comply with Policy H.4 of the WDLPR and the corresponding SPD. These considerations are discussed below.

Principle of development

The four houses that have been permitted on the adjacent site were, at the time of the decision, within a development frontage, as defined by policy H2 of the Winchester District Local Plan. This policy was superseded by policy H4 of the Winchester District Local Plan Review, upon its adoption in July 2006.

Policy H4 allows for limited residential infill outside the built up area of settlements, subject to three criteria; 1. At least one side should adjoin an existing residential boundary, 2. The proposal should not harm the character and appearance of the area and 3. The development should be consistent with the Council's objectives for the promotion of a sustainable pattern of development in the area. The policy is supported by SPD which amplifies these 3 criteria into 7 detailed criteria all of which should normally be satisfied if development is to be permitted.

It is considered that the proposal complies with Criteria 3 (safe vehicular access), 4 (Newtown is included in the SPD's list of settlements) 5 (site is not within a local or strategic gap), 6 (no loss of an important gap or natural feature) and 7 (proposal respects and responds positively to its setting) as will be seen below. However, Criterion 1 is not met as the site is not well related to local services/facilities and transport links to larger service centres although there is a good footpath to the local school. Newtown has no shop or surgery.

Furthermore, Criterion 2 only allows for development in limited gaps between permanent established buildings (one of which must be residential) and in this case there is no building to the south.

If this development is to be permitted therefore the Council must be satisfied that there are exceptional circumstances and that a precedent would not be set. Your officers consider that there are three over-riding material considerations that would justify a grant of permission even though not all of the policy criteria are met:

1. The lawful use of this site is for the storage of motor vehicles and there is no restriction as to the height at which they may be stored. This application comprehensively addresses the future of the site as a whole and, subject to the signing of a legal agreement, ensures that the existing

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use ceases, as well as ensuring that the paddock is retained as open land. The openness of the paddock is important, as a 'glimpse' across it of Bere Forest is identified in the Soberton and Newtown Village Design Statement. Consequently allowing this development would have environmental benefits.

2. In dismissing an earlier appeal, a Planning Inspector identified the rest of the application site, (i.e. within the bund) as previously developed land. Also, he concluded that the site is "within the 'built-up' part of the village, which in my view extends visually to the crossroads due to the houses on Hundred Acres Road". This is significant in assessing the impact on the character of the area and would make it difficult to justify a refusal in principle purely on the grounds of visual intrusion in the countryside.
3. A unique feature of this site is that the commercial part is contained by an earth bund to the South. This bund would act as a physical 'end stop' to the developed frontage in Church Road.

It is therefore considered that, on balance, it would be appropriate to allow the development of part of the site for a single dwelling house as a departure from the policies of the development plan.

Design/layout

The proposed house has been designed to act as an end stop to the street. It has a hipped roof that 'turns the corner' of the street frontage and presents a soft elevation to Hundred Acres Road. The lower half of the South elevation will be hidden by the earth bund.

The garage for this dwelling is at the rear of the site and partially obscures the stabling beyond. The built form required in connection with the equine use is contained within the earth bund. The appearance of the paddock, outside the bund, will not necessarily change, as it is already grazed by a horse.

Impact on character of area and neighbouring property

The house has been designed so as to have no adverse impact upon the, as yet unbuilt, adjoining house on Plot 4. The previously permitted houses will benefit from the removal of the car storage on the site and should not be adversely affected by the proposed stabling, providing that it is not used for commercial riding or training, which can be secured by condition.

With regard to impact on the character of the area, the remains of the former petrol station/car storage use and their substitution with a house will improve the appearance of the street and finish it off within the existing bunded area.

The potential for traffic generation will be reduced, as well as the previous 24-hour use of the site, both of which will improve the amenities of Newtown residents.

Landscape

The Landscape Architect considers that this development will enhance the village and not detract from its countryside setting. A landscaping scheme will be required by condition.

Highways/Parking

The Highway Engineer raises no objection to the proposal, as he considers that traffic generation will be reduced, subject to the imposition of a suitably worded condition controlling the use of the equine enterprise. He also considers that sufficient parking and turning areas are to be provided and that the access and driveway are now adequate for their purpose.

Public Open Space

A contribution of £2,710 has been made to the Council's Public Open Space Funding System

Planning Obligations/Agreements

In seeking the planning obligation to secure the revocation of consents for commercial use of the site the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development;

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fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

Recommendation

That provided the applicant enters into a legal agreement, in a form to be approved by the City Secretary and Solicitor, to revoke all certificates and consents relating to the commercial use of the site then;

That Planning Permission be granted subject to the following conditions:

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

Conditions

01 The development hereby permitted shall be begun before the expiration of three 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 development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the house and garage hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

02 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

03 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.

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

04 Details of the design of building foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site are commenced. The development shall not be completed other than in accordance with the agreed details.

04 Reason: In the interests of the water environment and the safety and amenity of the future occupants.

05 Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures, including timing provisions, to be taken to avoid risk to the occupiers of the site when it is developed. Development shall not be carried out other than in accordance with the approved details.

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05 Reason: In the interests of the water environment and the safety and amenity of the future occupants.

06 Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before the buildings are occupied.

06 Reason: To ensure satisfactory provision of foul and surface water drainage.

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B and C of Part One of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

07 Reason: To protect the amenities of the locality and to maintain a good quality environment.

08 The garage hereby permitted shall only be used for the purpose of accommodating private motor vehicles and shall not, at any time, be used for living accommodation, business, commercial or industrial purposes.

08 Reason: In the interests of highway safety and the amenities of the area.

09 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

09 Reason: In the interests of highway safety.

10 The proposed access and drive, including the footway crossing shall be laid out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

NOTE A licence is required from Hampshire Highways prior to commencement of access works

10 Reason: To ensure satisfactory means of access.

11 Before any part of the development hereby approved is first brought into use, the access shall be constructed with a non-migratory surfacing material for a minimum distance of 5 metres from the highway boundary.

11 Reason: In the interests of highway safety

12 Before the development hereby approved is first brought into use, a turning space for the dwelling and stables shall be provided within the site to enable vehicles using the site to enter and leave in a forward gear. The turning space shall be retained and kept available for such purposes at all times.

12 Reason: In the interests of highway safety.

13 Before the development hereby approved is first brought into use, a minimum of two car parking spaces shall be provided within the curtilage of the dwelling and the stables and thereafter maintained and kept available.

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13 Reason: To ensure adequate car parking provision within the site.

14 Any gates provided shall be set back a minimum distance of 4.5 metres from the edge of the carriageway of the adjoining highway.

14 Reason: In the interests of highway safety.

15 The stables and manege hereby permitted shall not be used for any commercial riding or training purposes.

15 Reason: To limit the use of the site in the interests of highway safety and the amenities of the area.

16 Details of any external lighting to be provided on that part of the site in equine use shall be submitted to and approved in writing by the Local Planning Authority before it is installed. The lighting shall be installed, operated and maintained in accordance with the approved scheme.

16 Reason: In the interests of the amenities of the area and the occupants of nearby properties.

Informatives:

1. The development is not in accordance with the Policies and Proposals of the Development Plan set out below but there are other material considerations which indicate that the determination should be made other than in accordance with Development Plan as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

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

Hampshire County Structure Plan Review: H5, UB3, T2, T6, R2

Winchester District Local Plan Review: CE5, H4, DP3, DP10, DP13, RT3

3. As this site may contain contaminants, in the form of hydrocarbons and asbestos, the applicant is advised to liaise with the Council's Environmental Protection Section, the Environment Agency and, if necessary, the Health and Safety Executive.