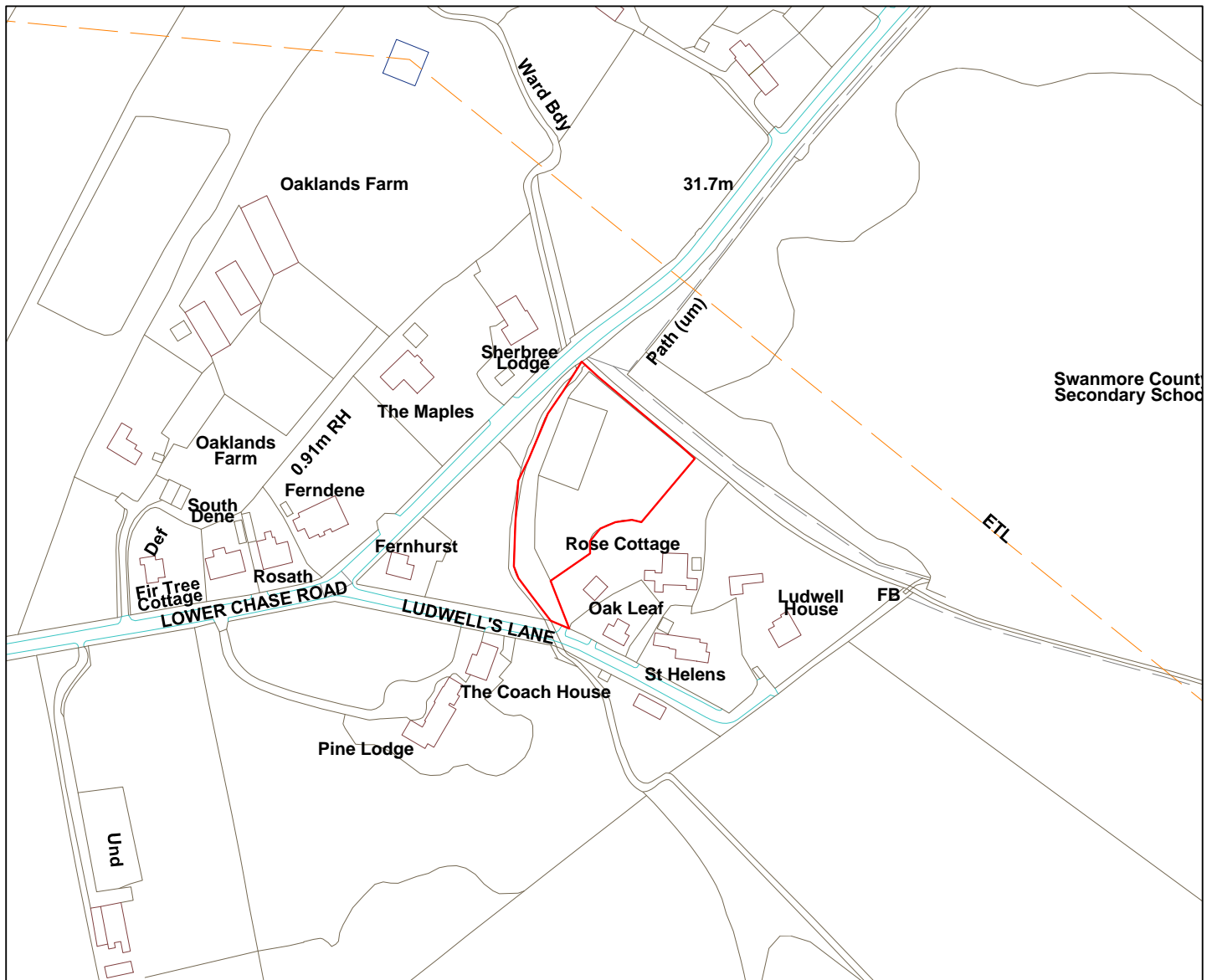


Rose Cottage, Ludwells Ln, Waltham Chase

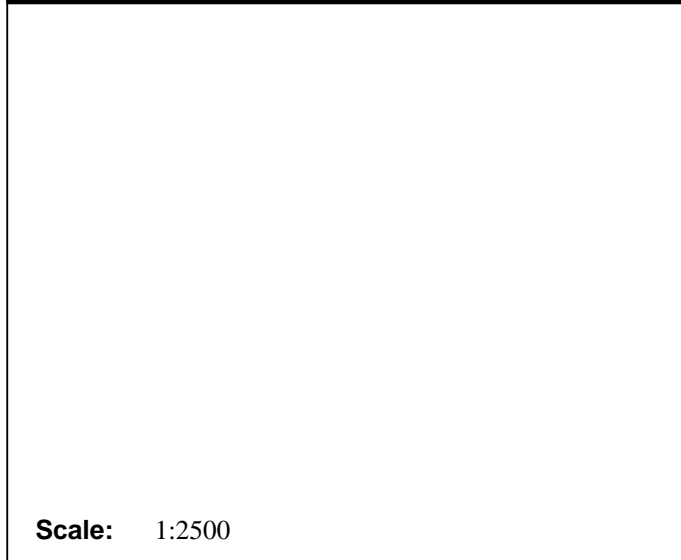


Winchester
City Council

09/00705/FUL



Legend



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	03 June 2009
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 3
Case No: 09/00705/FUL / W04103/06
Proposal Description: 1 no. five bedroom dwelling (RESUBMISSION)
Address: Rose Cottage, Ludwells Lane, Waltham Chase, Hampshire,
SO32 2NP
Parish/Ward: Swanmore
Applicants Name: Mr Richard Colson
Case Officer: Lorna Hutchings
Date Valid: 3 April 2009
Site Factors:

Recommendation: Application Refused

General Comments

This application is reported to Committee because of the number of letters of support received.

This is a resubmitted planning application which was withdrawn as the previous application did not provide a Flood Risk Assessment, or justification in respect of Policy H.4 relating to housing infill development in the countryside.

The proposal plans are the same, no changes have been made. The only difference is that a finished floor level has been added and a cross section shown, in line with the Flood Risk Assessment.

Site Description

The proposal comprises a 0.35 hectare area of land, which is the garden area to the west of Rose Cottage and is part of its residential curtilage. The site is located near the start of Ludwells Lane, off Lower Chase Road, in between Waltham Chase and Swanmore. The area has a separate access from the main access into Rose Cottage, further east along Ludwells Lane, and there is a clear subdivision in the immediate amenity and garden area around Rose Cottage and this site, which are separated by a 4m high Cypress hedge and a gravel driveway.

The site is generally flat and is enclosed by a substantial line of trees with a deep canopy, along the west boundary to Lower Chase Road and to the north. There is a tennis court on the site to the west, which will be retained, and a swimming pool to the northeast.

The site is within fluvial Flood Zone 2, with a medium risk of flooding.

There is a footpath to the east, at the end of Ludwells Lane, and one behind the site along the northern boundary, although its entrance is very overgrown.

Rose Cottage itself is a large white rendered gable ended property with concrete roof tiles, facing west towards the proposal. There is a variety of different styles of houses in the area. They are large and detached in very large plots along Ludwells Lane, and are set back from the road and have an irregular spatial arrangement.

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Proposal

The proposal is for 1 no. five bedroom dwelling situated to the rear of the site, behind and to the west of Rose Cottage.

A patio area is proposed to the east side and to the rear.

A half hipped barn style triple garage and store is proposed along the west boundary, in front of the tree belt and existing tennis court.

The house would be built of red brick and would have two gabled elements of flint to the front, with a central dormer window, and two small and two large gabled dormer windows to the rear. Other fenestration is varied in style, size and position.

A garden room and two chimney stacks are proposed on the east elevation.

The proposed house would have a double gabled west elevation.

Relevant Planning History

82/00522/OLD - W04103/04: Change of use of field to residential, and erection of garage - Permitted - 21/07/1982

08/02365/FUL - W04103/05: 1 no. five bedroom dwelling – Withdrawn - 03/12/2008.

Consultations

Engineers: Drainage:

No objection.

Engineers: Highways:

This proposal does not contain any significant highway issues. Conditions are recommended ; gates to be set back by 4.8m and a non-migratory surface for 5m from the highway.

Environmental Protection:

Information held by this Service has not highlighted any potentially contaminative land uses located on or within the immediate vicinity of the development site.

Landscape:

No objections.

Environment Agency:

No objections. Advises that the Local Planning Authority must consider the development in respect of the Sequential Test.

Southern Water:

Does not wish to comment.

Representations:

Swanmore Parish Council:

No response.

6 letters received from different households supporting the application, for the following reasons:

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- The design and location of the proposal will have no effect on Ludwells Lane or the surrounding area;
- The proposal is in keeping with the landscape;
- The proposal will have no effect on the neighbouring property.

Relevant Planning Policy

South East Plan:

CC1, CC4, CC6, H4, H5, T4, W2, BE1, NMR4.

Winchester District Local Plan Review

DP.3, DP.5, DP.8, DP.9, CE.2, CE.3, H.4, H.7, RT.4, T.1, T.2, T.4.

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPS 7 Sustainable Development in Rural Areas

PPG 25 Development and Flood Risk

Supplementary Planning Guidance

Swanmore Village Design Statement

H4: Implementation of Infilling Policy.

Planning Considerations

Principle of development

This site is located in the countryside, outside any defined settlement boundary and therefore has to be considered under Policy H.4 for infilling development in the countryside.

This policy has seven strict criteria set out in the supporting Supplementary Planning Guidance 'Implementation of Infilling Policy', which must be met in order to override the presumption against new housing development in the countryside.

In this case, the proposal fails to meet five of the seven criteria and therefore refusal is recommended. More detail on this is below.

The proposal site is also located in a Local Gap between Bishops Waltham, Swanmore and Waltham Chase and so is also considered in the light of Policy CE.2. Development which would physically or visually diminish the gap will not be permitted.

In addition, the application is considered under Policy DP.3 in respect of design and layout, and Policy H.7 in respect of development density, in addition to Policy H.4.

The proposal is for one unit on a large area of land and therefore, with a density of 2.9 dwellings per hectare, the requirements of Policy H.7 are not met.

Policy H.4

Criterion 1 – safe and convenient access to a range of facilities: The site does not provide safe and convenient access, either by foot or by public transport, to an adequate range of facilities and services. There is no primary school or GP surgery within 500m of the proposal site. There is only Swanmore Village Store, but safe and convenient access to it is not achievable. No evidence is provided of the number, time, route and destination of local buses and precisely what facilities are available within a 30 minute total trip time but, notwithstanding this, it is not considered that this access can be achieved. In addition, there is no safe and convenient access to the bus stop on New Road; there is no

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pavement along Ludwells Lane or Lower Chase Road and the footpaths are isolated and not well lit.

Criterion 2 – forms a limited gap between permanent buildings: The site does not form a limited gap between permanent established dwellings within an otherwise continually built up frontage. As noted above, the proposal is not infilling a gap as frontage development – Ludwells Lane does not comprise frontage development, the houses are sporadic and unevenly spaced, typical of a rural area, and the proposed house is set well back within the site.

Criterion 4 – listed in Annexe C: The site does not lie within one of the settlements listed in Annex C – Ludwells Lane is not part of either Waltham Chase or Swanmore, the site is countryside and, although there are houses, they do not comprise a settlement and are not listed in the H.4 supplementary guidance, as required.

Criterion 5 – not listed as a Local Gap: The development conflicts with Policy CE.3 of the Local Plan relating to the Local Gap. The proposal site lies in the middle of the Bishops Waltham – Waltham Chase – Swanmore Local Gap and therefore development here would physically and visually enclose the gap with a residential use and development of the plot, which would therefore undermine the function of this gap, conflicting with the requirements of Policy H.4 for providing sustainable rural housing.

Criterion 7 – respects and responds to the character of the area: The proposal does not respect and respond positively to the particular character of the locality and does not make efficient use of the site. It is considered that the proposal is of a design which does not respond positively to the local environment or Hampshire vernacular for the rural area within the context of the site. The design, as noted above, comprises a number of different gabled elements, disproportionate dormer windows, unbalanced fenestration within the elevations, is of a large size and a very deep floor plan with unusual flint blockwork only to the two gables on the front elevation. The property will be very visible from the public realm and it is considered that it will not be in keeping with the area and will have a harmful impact on the character of the countryside.

If a development meets the other criteria of Policy H.4, then the density should also satisfy these criteria in addition to Policy H.7, with a density of 30-50 dph. The proposal falls substantially short of this, as noted above.

Design/layout and neighbours amenities.

The design has been considered above. However, the layout of the proposal is also considered to be of concern in respect of the neighbour's amenities.

Whilst there is adequate distance between Rose Cottage and the proposed new dwelling, the layouts are orientated so that both their private amenity spaces are adjacent and it is considered that the relationship between them compromises the amenities of the other property.

There is a significant hedge successfully containing the main amenity area of Rose Cottage but beyond this, to the north, is also a garden area and the boundary is open to the garden room and two patio areas of the proposed new dwelling within a few metres. This is not considered acceptable in terms of maintaining satisfactory privacy between the dwellings.

Separate reasons for refusal are recommended to deal with concerns in respect of design, landscape impact and the Local Gap, as there are other policies relevant (DP.3, CE.3, H.7) in addition to the criteria of H.4.

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Landscape/Trees

The proposal will not impact on the tree-lined boundary to the west, which will therefore successfully screen the proposed new dwelling and garage from Lower Chase Road and the neighbouring property to the west. There is no other significant vegetation on the site.

Highways/Parking

The existing access is considered acceptable for the proposed new dwelling. An adequate parking area is proposed, with the erection of the three bay garage at the end of the gravelled driveway and turning area.

A financial contribution of £5,457 for the provision of sustainable highways improvements is required. However, this has not been paid and there is no undertaking to secure it.

Flooding

The Environment Agency is satisfied to remove the previous objection to the last planning application, provided that planning conditions are attached in respect of the following: implementation of the Flood Risk Assessment, and submission of acceptable details for a scheme of surface water drainage, based on sustainable drainage principles, an assessment of the hydrological and hydrogeological context of the development and a scheme for the provision and management of a 5 metre wide buffer zone alongside the Lower Chase Stream.

The Agency's response on flood risk matters is, however, on the understanding that the Council is satisfied that the Sequential Test has been met, pursuant to the requirements of PPS 25. The Council must consider whether the applicant has demonstrated that no alternative suitable sites are available in a lower flood risk zone, in accordance with paragraph 17 of PPS25 and Policy DP.8.

This has not been addressed in the information provided with the application and the Flood Risk Assessment and it is considered that there are other sites available for housing to be provided in lower flood risk areas. The provision of housing in such areas would not compromise other sustainability objectives, including the priority to be given to the use of land within the defined built up areas.

A reason for refusal is therefore recommended, to ensure that the extensive conditions of the Agency can be incorporated into the application, should the applicant appeal against refusal, and in respect of the Sequential Test.

Other Matters

A financial contribution of £3,036 for the provision of public open space improvements is required. However, this has not been paid and there is no undertaking to secure it. A reason for refusal is therefore included in respect of this.

Recommendation

Application Refused, for the following reasons:

Reasons

1. The proposal does not comply with Policy H.4 of the Winchester District Local Plan Review, in that it would result in an unsustainable form of residential development because the site is located in the countryside outside any identified settlement, for which no overriding justification has been provided. The proposal is contrary to the following criteria

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of Policy H.4, 'Implementation of Infilling Policy' Supplementary Guidance and would therefore have a harmful and urbanising effect on the locality and character of the area.

Criterion 1: the site does not provide safe and convenient access either by foot or by public transport to an adequate range of facilities and services;

Criterion 2: the site does not form a limited gap between permanent established dwellings within an otherwise continually built up frontage;

Criterion 4: the site does not lie within one of the settlements listed in Annex C;

Criterion 5: the development conflicts with Policy CE.3 of the Local Plan in that it would physically and visually diminish a Local Gap; and

Criterion 7: the proposal, by reason of its size, siting and design, does not respect and respond positively to the particular character of the locality and does not make efficient use of the site.

2. The proposal is contrary to the design and development principles (DP.8) of the Winchester District Local Plan Review and PPS25 'Development and Flood Risk', as the site lies within Fluvial Flood Zone 2 and it is not considered that the requirements for the Sequential Test have been met and have been adequately demonstrated, therefore giving rise to unacceptable flood risk and unsustainable development.

3. The proposal is contrary to countryside Policy CE.2 of the Winchester District Local Plan Review, in that it would undermine the function of, and physically and visually diminish, a Local Gap as defined between Bishops Waltham - Swanmore - Waltham Chase, and is thereby inconsistent with the objective of preserving the separate identities of these smaller settlements.

4. The proposal is contrary to design and development Policy DP.3 of the Winchester District Local Plan Review, as the design, size and layout would not respond positively to the character and appearance of the local environment, thereby having an adverse impact on the visual amenities and character of the countryside.

5. The proposal is contrary to design and development Policy DP.3 of the Winchester District Local Plan Review, as the design and layout would have an adverse impact on the neighbouring property, to the detriment of their private amenities.

6. The proposal is contrary to housing Policy H.7 of the Winchester District Local Plan Review, as the proposal would not make efficient use of the land, thereby resulting in harm to the sustainability objectives of PPS3.

7. The proposal is contrary to Policy RT4 of the Adopted Winchester District Local Plan Review, 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 and would undermine this Plan's policies for recreational open space provision within the District.

8. The proposal is contrary to Policy DP9 of the Adopted Winchester District Local Plan Review, in that it fails to make adequate provision for improvements to transport and the highway network, in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.

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Informative

The Local Planning Authority has taken account of the following Development Plan policies and proposals:

South East Plan 2009: CC1, CC4, CC6, H4, H5, T4, W2, BE1, NMR4.

Winchester District Local Plan Review 2006: DP.3, DP.5, DP.8, DP.9, CE.2, CE.3, H.4, H.7, RT.4, T.1, T.2, T.4.