

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No:	11
Address:	Elm Tree Cottage, Upham Street, Upham, Southampton, Hampshire, SO32 1JA
Parish/Ward	Upham
Proposal Description:	Demolition of existing dwelling and erection of replacement four- bedroom house; change of use from agricultural to domestic for land to the rear and side of dwelling
Applicants Name	Mr I. W. Sanderson
Case No:	05/02239/FUL
W No:	W10941/07
Case Officer:	Elaine Patterson
Date Valid:	26 September 2005
Delegated or Committee:	Committee Decision
Reason for Committee:	Parish Council submitted representations contrary to officer recommendation
Site Factors:	Within 50m of Listed Building, Grade II listed Rose Tree Cottage

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Site Description

- The application site comprises the existing dwelling at Elm Tree Cottage with land to the side and rear.
- The area to the side and rear is agricultural land at present, it is proposed to change the use of this land to garden ground.
- The existing house is a 1 1/2 storey, narrow, painted brick and flint cottage.
- The character of the area is rural, with high hedges on one side of the road and detached dwellings with substantial gaps in between on the other.
- This site is identified in the Upham Village Design Statement Map at No.13, as offering a glimpse over farm land. It states: 'West outlook across enclosed lowland pastures and mature hedgerows'.
- The site lies within the Upham Street development frontage.
- To the north east of the site lies a field access which is to remain unaltered, beyond that lies a modern 1 1/2 storey dwelling Tanglewood, granted permission in 1999.
- To the south west Meadow Mead Cottage is a modern 1 1/2 storey dwelling.

Relevant Planning History

- None relevant on this site.
- W/16058 Permission was granted for the detached dwelling at Tanglewood to the north west in 1999. This application included the change of use of agricultural land to the rear to garden ground. The rear boundary line matches that proposed here.
- W/10177/12 Land to the north west between Tanglewood and Arbour Cottage was subject to an application for a new dwelling with change of use of agricultural land to garden to the rear. This was recommended for approval but refused by committee on 28 July 2005. Concerns were raised regarding the large scale of the proposed dwelling, most of which fell outside the development frontage area.

Proposal

- Demolition of existing dwelling and erection of a new 1 1/2 storey brick and plain tile dwelling, with attached garage and the change of use of the land to the side and rear from agricultural to garden ground.

Consultations

Engineers:Highways:

- NO HIGHWAY OBJECTIONS
- From the submitted layout plan provided it is evident that sufficient area exists to provide acceptable on site parking and turning facilities.
- It is unlikely that the proposals will cause demonstrable harm to users of the adjoining highway.

Landscape and trees:

- The proposed dwelling is set further back than the existing providing an opportunity for tree planting along the road frontage. The boundaries will require sensitive selection of materials.

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Representations:

Upham Parish Council

- Object
- Upham Parish Council objects to the change of use of land from agricultural, and believes this is not in line with policy or the Village Design Statement (p.4) Further building in the countryside it is believed will be to the detriment of the countryside and the rural character of the area - it appears the garage will be built on agricultural land. The Council does not object to the house as it is replacing an existing dwelling.

Letters of representations have been received from 1 Neighbour. They support the application.

Relevant Planning Policy:

Hampshire County Structure Plan Review: UB3, C1, C2, R2

Winchester District Local Plan Proposals: H2, EN5, C1, C2, RT3

Emerging Development Plan- WDLPR Review Deposit and Revised Deposit: H3, DP3, C1, RT3

WDLPR Inspector's Report

Supplementary Planning Guidance:

Upham VDS

National Planning Policy Guidance/Statements:

PPG3

PPS7

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area
- Drainage/flooding

Principle of development

- The site lies within the H3 Development Frontage in the Local Plan Review.
- The WDLPR Review Inspector's Report recommends the replacement of the Development Frontage policy with a criteria-based infill policy. Para 6.0.7 states:
"In terms of the Plan's intention to encourage infill development in smaller settlements under Proposal H.3, I consider that this should be modified to more closely reflect current national guidance on sustainable development and less one of relying on the capacity available in existing areas of housing in rural localities that for the most part would not have been permitted under current policies.
Accordingly, I have recommended a criteria-based infill policy which has a less spatially rigid pattern but will address the local housing needs of the smaller settlements in the District."
- The City Council will be considering the recommendations made by the Inspectors and hopes to publish Proposed Modifications to the Local Plan Review in early 2006.
- In the meantime the Council rely on the relevant policies in the Adopted Local Plan. In this instance the site lies within the H2 development frontage.
- The replacement of the existing small dwelling with a 1 1/2 storey dwelling within the defined residential boundary of the site is acceptable.

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Impact on character of area

- The proposal has been amended to include an attached garage, rather than the originally proposed detached garage. This will protect the important view identified in the VDS, across the site to the countryside.
- The Parish Council object to the change of use of the agricultural land to the rear and side of the site to garden ground, which they consider will harm the rural character of the area. However, the precedent for the change of use of agricultural land to the rear of houses here, has been established with recent applications. Also, the Council must consider the change of use in the context of the material harm it may cause. Officers consider that the views across the site and the open undeveloped appearance of the land can be protected by removing permitted development rights for structures and by agreeing boundary treatments.

Drainage/flooding

- Full details of surface and foul drainage will be required to be agreed by condition.

Recommendation

APPROVE

Conditions/Reasons

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 dwelling 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 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.

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

04 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.

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

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05 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

05 Reason: In the interests of the visual amenities of the area.

06 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,C,D and E of Part One and Class A Part Two of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

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

07 The garage/workshop hereby permitted shall only be used for purposes ancillary to the residential use of the site and shall not, at any time, be used for living accommodation, business, commercial or industrial purposes.

07 Reason: In the interests of the amenities of the locality.

08 The means of vehicular access to the site shall be from the existing access and no new vehicular access to Upham Street shall be constructed.

08 Reason: In the interests of highway safety.

09 Before the development hereby approved is first brought into use, a turning space 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.

09 Reason: In the interests of highway safety.

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

Winchester District Local Plan Proposals: H2, EN5, C1, C2, RT3

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: H3, DP3, C1, RT3