

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

Committee Decision

TEAM MANAGER
SIGN OFF SHEET

Case No:	07/03197/FUL	Valid Date	20 December 2007
W No:	06883/20	Recommendation Date	6 May 2008
Case Officer:	Mr Dave Dimon	8 Week Date	20 March 2008
		Committee date	22 May 2008
Recommendation:	Application Refused	Decision:	Committee Decision

Proposal:	Demolition of industrial buildings; de-contamination of site; construction of 10 no three and 8 no two bedroom live-work units comprising class B1 industrial accommodation and ancillary residential; re landscaping of site including relocation of vehicle entrance (RESUBMISSION)
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Site:	Old Park Wood Industrial Estate Old Park Road Bishops Sutton Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
OS	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N

DELEGATED ITEM SIGN OFF		
	REFUSE for the reason(s) listed	
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

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Item No: 1
Case No: 07/03197/FUL / W06883/20
Proposal Description: Demolition of industrial buildings; de-contamination of site; construction of 10 no three and 8 no two bedroom live-work units comprising Class B1 industrial accommodation and ancillary residential; re-landscaping of site including relocation of vehicle entrance (RESUBMISSION)
Address: Old Park Wood Industrial Estate Old Park Road Bishops Sutton Hampshire
Parish/Ward: Bishops Sutton
Applicants Name: Mr D M Docherty
Case Officer: Mr Dave Dimon
Date Valid: 20 December 2007
Site Factors:

Recommendation: Application Refused

General Comments

This application is reported to Committee at the request of Bishops Sutton Parish Council, whose request is appended in full to this report. Additionally, it is a departure from the provisions of the development plan and is for major development.

A previous application (ref: 06/02931 / W06883/19) for the same development was considered by the Committee at the meeting of 21 December 2006 and was refused. The reasons for refusal are set out below.

The current application differs from the previous application in the following respects:

- The access to Old Park Road has been repositioned to improve the visibility splays.
- The sustainability measures incorporated within the scheme have been enhanced.
- The proportion of work space within the scheme has been amended to provide a 60:40 live/work balance across the entire development. This is achieved by increasing the amount of the ground floor area of the three bedroom units that is given over to work use. Previously the ratio of the three bed dwellings had been 72:27 live/work.
- The applicant is offering to provide a dedicated mini bus service to support the development.

The above points result in part as a consequence of amendments to the submitted plans and supporting information that have been made since receipt of this application. These amendments have not materially changed the proposals such as would necessitate the re-advertising of the application.

Reasons for refusal of previous application:

- 1 The proposed development does not accord with the requirements of Policies CE.18, E.2, E.4, H.4, H.5, T.1, of the Winchester District Local Plan Review, in that it:
 - (a) represents the undesirable establishment of residential development, for which there is no overriding justification, in an area of countryside that is unrelated to any existing settlement or facilities;
 - (b) would result in the loss of an existing site in lawful use for B2 employment purposes to the detriment of rural employment opportunities in the district; and would introduce a predominantly B1(a) office use contrary to Policy E4 of the Local Plan;
 - (c) fails to provide for affordable housing as required by SP Policy H8, LP Policy H5 and

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PPS3

(d) does not comprise re-use of existing buildings or meet the needs of existing established businesses but constitutes speculative new development in the countryside which would be reliant on use of private cars and for which there is no evidence of an overriding need in the interests of the rural economy. Such development would therefore fail to satisfy the sustainability requirements of the Local Plan and government guidance as set out in PPS13, PPS7, PPS 3 and PPS1.

- 2 The proposal is contrary to Policy RT4 of the 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. (NOW MET – SEE ATTACHED OPEN SPACE REPORT FROM LANDSCAPE)
- 3 The available length of frontage to Old Park Road is insufficient to enable a satisfactory road junction, with adequate visibility splays, to be provided.
- 4 In the opinion of the Local Planning Authority the proposal involves development that cannot be reconciled with national planning policy guidance in PPG13, in that it would result in development that would be inappropriately located away from existing urban areas and would thus over-rely on the private car for access and transport purposes. This would result in an unacceptable increase in the number and length of car journeys to the detriment of the environment and the locality. The proposal therefore conflicts with the Strategy of the Draft Hampshire County Structure Plan (Review) particularly Policies T1 to T5.

Site Description

The site is in the countryside and extends to about 1.33 hectares. It is situated midway between the A31 and A272 roads, approximately 3 kilometres south-east of Bishops Sutton and is in an isolated rural location adjacent to the C127 Old Park Road with arable farmland to the north and west and woodland to the south. There are currently two large industrial buildings on the site plus various ancillary outbuildings and areas of outside storage. The nearest dwelling lies 300m to the south beyond Old Park Wood and beyond is Bramdean Common which is in the AONB and around which there is a scatter of dwellings.

Physically the site has been cut into the landscape contours from Old Park Road and it comprises two different levels, with the southern end being nearly three metres higher than the northern end. Some tree planting exists along the northern boundary and there are more mature trees, which are an important feature of the site, along the eastern roadside boundary but otherwise there are no trees within the main body of the site. The eastern side of Old Park Road is also defined by a belt of trees opposite the application site, beyond which is further arable farmland.

The site is visually unattractive and incongruous in the local sense due to the type of use, appearance of the buildings and extent of open storage, set as it is within an otherwise attractive area of countryside, but it is something that one comes upon when travelling along Old Park Road rather than being visible from a wide area.

The nature of the uses that have operated at the site over many years has also resulted in a significant level of contamination.

Proposal

The proposal is for total redevelopment of the site to provide 18 live/work units set around a central landscaped square on three sides, and includes various features to create a sustainable environment, including the provision of allotments, greenhouses, energy conservation and energy generation aspects, including ground source heat pumps, a biomass heating scheme and

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potentially three 20m high wind turbines.

The dwellings are arranged in 3 terraces plus a separate pair, providing 10 x 3 bed dwellings of 180 sq m GIA with 72sq m of work space and 8 x 2 bed dwellings of 120 sq m GIA with 47.5 sq m of work space. Overall the density of the site is 13.77 dph.

The dwellings are of contemporary design with metal standing seam and mono pitched roofs incorporating solar panels and partly 'green' roofs and with striking wind cowl features, while elevations are of glass, render and timber weather-boarding.

Relevant Planning History

- W6883/06** Use of factory to galvanising plant - Application Refused 27/03/1986 – Appeal Dismissed 27/02/1987.
- W6883/07** Light industrial building - Application Refused 23/06/1986 – Appeal Dismissed 15/02/1987.
- W6883/08** Change of use of factory to galvanising plant – Application Refused 28/07/1986.
- W6883/09** Change of use from unused land to open storage area – Application refused 03/11/1986 – Appeal Dismissed 09/07/1987
- W6883/10** Construction of light industrial building – Application Refused 17/06/1987 – Appeal Dismissed 22/07/1988
- W6883/12** Three 2 storey blocks of B1/B2 accommodation – Application Refused 03/01/1990
- W6883/13** 12 dwellings and vehicular access. (OUTLINE) (Departure) – Application Refused 04/01/1990
- W6883/14** Construction of light industrial units (B1), car parking and associated landscaping (OUTLINE) (Departure) – Application Refused 22/05/1998
- W6883/15** Construction of general industrial units (B2), with car parking and associated landscaping (OUTLINE) (Departure) – Application Refused 06/12/1999
- W6883/16** (AMENDED DESCRIPTION) Change of use of Nissen Hut building from B8 Storage and Distribution to B2 General Industrial – Application Permitted 03/02/2000
- W6883/17** 2 No: five bedroom houses, triple garages and studio over, 2 No: five bedroom houses, triple garage and one garage/workshop and 2 No. four bedroom houses, triple garages and studio over, landscaping and alterations to existing accesses – Application Refused 01/02/2001 – Appeal Dismissed 06/01/2003
- W6883/18** Residential development comprising 9 no dwellings: Old Park Wood Industrial Estate, Old Park Road, Bishops Sutton – Application Refused 31/08/2001 – Appeal Dismissed 06/01/2003
- W6883/19** Demolition of industrial buildings; de-contamination of site; construction of 10 no three and 8 no two bedroom live-work units comprising Class B1 industrial accommodation and ancillary residential; re-landscaping of site including relocation of principal vehicle entrance – Application Refused 21/12/2006

Consultations

Strategic Planning

Development Plan = RPG9, HCSPR (2000) and WDLPR (2006)

RPG9

This promotes the concentration of development in urban areas (Q1) and a sequential approach to housing development (H5).

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HCSPR (saved policies)

The 'saved' Structure Plan policies are generally not relevant to this proposal, although H.1 (housing requirements) and E.7 (development in/adjacent to AONBs) are applicable.

WDLPR

Although the applicant's description is of 'ancillary' residential development, housing clearly forms the majority of the floorspace in the units, with the total residential floorspace being twice the amount of employment. The applicant suggests that the proposal should be treated as B1 or *sui generis* but, as the majority of floorspace is residential, it would be more appropriate to designate it as C3 if a single use were to be attributed to the scheme. As it involves a mix of uses it seems appropriate to treat it as a *sui generis* use, but it remains the case that the residential element forms the majority of the scheme. It should be noted that the new national planning application form (1APP) lists live-work units alongside other residential uses (at Question 10 or 18 depending on the variant), not as a 'non-residential' use. Therefore it is appropriate to consider the scheme against the Local Plan's policies relating to housing, as well as employment. In view of the importance of this issue, legal advice has been sought on the application of policies for residential development, and comments will be on the Committee update sheet.

WDLPR resists residential development outside the defined H.3 settlement boundaries unless the requirements of Policy H.4 (as amplified in SPD) are met. It is clear that this proposal would not meet all of the criteria (the Policy specifically states that all criteria must be met). It is not safely/conveniently accessible to a range of facilities (Criterion 1), it is not a gap in a built-up frontage (Criterion 2), and is not within a recognised settlement (Criterion 4). Other consultees will have a view on whether it meets the other criteria relating to impact on the rural character of the area, transport, etc. Accordingly, the residential element could only accord with policy if it met the provisions of H.6 (rural exceptions for affordable housing only). The applicant is clear that affordable housing does not form part of the proposal and it does not therefore meet the requirements of H.6.

The proposal is well above the threshold for the provision of affordable housing (5 dwellings, if outside the larger settlements). Notwithstanding the applicant's arguments, the proposal clearly has a housing element (in fact the largest floorspace component of the scheme) and H.5 therefore applies (there is nothing in H.5 to restrict it to solely C3 schemes). The cases in other parts of the country where it is claimed that affordable housing has not been sought are noted, but given the priority given to affordable housing in this District, and the provisions of H.5, this does not prevent the Council from seeking affordable housing. In this case, a financial contribution may be more appropriate than on-site provision (given that occupiers of affordable housing are less likely to be operating a business and due to the unsustainable location of the site), although it should be noted that a previous live-work proposal at Winnall was originally promoted by an RSL.

WDLPR E.2 resists the loss of existing employment sites unless retention of the use would cause overriding problems or there is a greater need for the alternative use. No specific need has been demonstrated for live/work units in this location, although the retention of the existing use could cause problems if more intensively used (for which no planning permission would be required). The Plan only provides for the conversion, extension or replacement of existing buildings (CE.17 and CE.18), and then only subject to various criteria. This proposal does not involve conversion (CE.17) and the criteria of CE.18 for extension/replacement are not met (especially i and ii), although criterion iii may be satisfied.

Policy DP.13 may be relevant as this is a contaminated site. This may allow for exceptions to policy subject to a number of criteria. Environmental Health will comment on these aspects, but it does not seem that criteria a and b would be met.

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The applicants have sought to achieve a sustainable form of development. This is to be welcomed, but compliance with Policy DP.6 does not exempt the development from meeting other policy requirements.

Other policy requirements will apply such as transport, open space, design, etc which are the subject of comment by other consultees. Development should meet the requirements of all relevant policies.

Other Material Considerations

The applicant has put forward other considerations and suggests that these should overcome the policy issues. Other material considerations are capable of justifying an exception to planning policies and the case officer/Committee will need to make a judgement as to whether that could apply here.

Reference has also been made to draft PPS4, which, although only in draft, may give an indication of the direction of future policy guidance. This takes a positive approach to economic development, with the most relevant section being paragraph 32 on rural areas. This emphasises that accessibility is a key issue but recognises that locations may be acceptable even if they aren't readily accessible by public transport. However, this only covers one aspect of the proposal and PPS7 remains in force and gives more detailed guidance on rural development. This continues to emphasise the need to locate development within rural service centres. In the countryside it favours conversion or replacement of buildings for economic development purposes and expects local authorities to develop policies based on this, which has been included in the Local Plan. It is clear that replacement of non-residential buildings with residential development should be treated in the same way as new housing (paragraph 20).

Conclusion

The proposal is very similar to one that was refused in 2006, although it is now claimed to be close to zero-energy. Whilst this change is to be welcomed and accords with Local Plan Policy DP.6, the scheme continues to conflict with various other planning policies. As the Local Plan Review is recently adopted and up-to-date, these policies should be accorded substantial weight. Any 'other material considerations' would need to be very weighty in order to justify an exception to policy.

Strategic Housing

The scheme is for 18 live/work units and if this were a straight forward housing development we would require 30% of the units to be affordable, which equates to 5.4 units.

The applicant feels that the site is a *sui generis* or a Class B1 classification and therefore inappropriate to provide affordable housing. Having read the Government Circular 03/2005 and taken advice on this matter, it has been decided that this site is not for general housing development because it is considered as *sui generis*.

In the public consultation that took place the most popular option for the local community was, however, to provide affordable housing and it is a shame that this cannot be accommodated.

Engineers: Highways:

From a highway point of view the application cannot be supported as it is not located within a sustainable location. The site is located on Old Park Wood Road which is classified as the C127 and runs north – south between the A31 and A272. The road is rural in character having no pedestrian footways or street lighting, and the site is not located conveniently to any residential settlements, or close to any significant facilities or services. There are no nearby bus services which makes the site wholly reliant on private cars as a means of transportation.

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The application submission has attempted to compare the existing use with the proposed use with regard to trip generation, and has concluded that the existing development would generate only slightly less than the proposed development. Unfortunately I am not in agreement with this and, having regard to TRICS data, I conclude that the proposed development will generate significantly more traffic than the existing use.

The site is poorly located with regard to public transport; no buses directly serve the site and the nearest bus route is over a mile to the north. There is no easy access to goods and services via any mode other than the private car, leading to a total reliance on this mode of transport. The fact that car parking is provided at a very high level (3 spaces per unit) reaffirms this view. To enable a development to be labelled as a 'sustainable' one, it should have regard to all modes of sustainable transport, including buses, walking and cycling and be in a position to demonstrate that access to a range of goods, services and facilities (health, education, employment retail and leisure) can be achieved by sustainable travel modes.

A development in this location is not going to be in a position to demonstrate any such sustainable non-car modes, therefore, if a development of this type in this location is to be permitted, plans should include proposals for 'best practice' in terms of sustainable car-based transport. Car access should be provided on a shared basis, both in terms of parking and use, and car access should be provided solely via (and conditioned to) a 'car-club' providing 'eco-friendly' vehicles.

Failure by the applicant to agree to legal agreements detailing the provision and operation of an eco-friendly vehicle 'car-club' would indicate that this is in fact a non-sustainable car based development and should be refused in this location.

With regard to access, I have noted that visibility at the two accesses is restricted at present. I understand that consent has been granted in the past, which required certain visibility splays to be provided, however it would appear that these have not been maintained.

Following receipt of an amended drawing and revised access statement, the access visibility for vehicles emerging from the site, and also for vehicles turning right into the site, is improved.

There still remains the issue of traffic generation from existing and proposed uses, as well as the sustainability issues commented on by the Sustainable Transport Officer.

I am of the opinion that these issues have still to be resolved, and that the application is unacceptable in its present form.

Sustainable Transport Officer

In simple terms, as the application currently stands it would be totally reliant on private car-based transport to allow its occupants access to a desirable range of retail, health, leisure and education facilities. There are no realistic alternative modes of transport (walking, cycling or public transport) to such goods and services other than the private car, and it is therefore not a sustainable or appropriate location for residential development

Despite being promoted as an 'eco friendly' development the application and supporting documentation makes very limited reference to sustainable transport. The Transportation Assessment simply limits its evaluation to a traditional traffic generation assessment - comparing a possible current traffic generation to possible maximum generation from the new development.

To enable a development to be labelled as 'eco-friendly' or 'sustainable', it should have regard to all modes of sustainable transport, including buses, walking and cycling and be in a position to demonstrate that access to a range of goods, services and facilities (health, education,

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employment retail and leisure) can be achieved by sustainable travel modes. However, a development in this location is not going to be in a position to demonstrate any such sustainable non-car modes.

If a development of this type in this location is to be permitted, then plans should include proposals for 'best practice' in terms of sustainable car-based transport. In such instances car access should be provided on a shared basis, both in terms of parking and use, car access should be provided solely via (and conditioned to) a 'car-club' providing 'eco-friendly' vehicles, and all such details would need to be carefully controlled through an appropriate S106 Agreement. Should the applicant not wish to agree to legal agreements detailing the provision and operation of an eco-friendly vehicle 'car-club', it would confirm that this is a unsustainable car based development and would not be appropriate in this location

In **addition** to providing private transport in 'eco-friendly' terms by the use of a 'car-club', to make the development acceptable it is suggested that the applicant would need to provide some form of community based transport to serve the needs of the occupants. The applicant has indicated the possibility of operating a minibus (AM & PM) to connect the development site with Alresford. Whilst such an undertaking is a step in the right direction, the offer is limited to funding for a year – this would not be sufficient to offer people a real alternative to private car based transport and any such scheme would need to be linked to a S106 Agreement that would secure the operation of such a scheme in perpetuity. In addition, to offer this service to provide access to education facilities is misleading as the site's remote location would mean in any case that the Hampshire Education Authority would be responsible for the school transport requirements of the occupants and therefore the financial responsibility would ultimately fall on all of Hampshire residents.

The 'work' or employment element of the live/work units is of further concern in terms of additional travel demands. The plan of each unit indicates that four or five people could be employed in each unit. Even allowing for one of those workers to be living in the unit, there could still be a significant number of workers commuting to the site, the points raised above regarding the lack of transport alternatives to access the site still apply and therefore the site would be reliant on car-based commuting - which further demonstrates the unsustainable nature of this site in transport terms.

In summary, unless further and extensive measures are taken to provide improved sustainable transport access to and from the site, it is suggested that Old Park Wood is not a sustainable location in transport terms for redevelopment as a live/work site.

Further Observations, April 2008:

In responding to further information submitted by the applicant, the Sustainable Transport Officer has added the following comments on the application:

It has been suggested that the initial comments make no appreciation of the impact of the continuing use of the site for the current permitted use. This point is accepted, and it is the responsibility of the case officer to balance the proposed development against the current use of the site, and therefore many of the previous comments still stand. That point notwithstanding, there have been some improvements to the scheme.

The applicants have responded to some of the issues raised. Firstly, with the offer to fund a mini bus service to serve the site for a year, three times a day, after which the residents' management company would have to take it over.

Whilst this offer does go some way to improve the transport credentials of the site, the offer of a **one year operation is not sufficient** and we would require a S106 Agreement to secure the operation of the service for a minimum of five years to allow travel patterns to become established. Furthermore, the service must be conditioned to operate an AM and PM peak service into Alresford. This way the service can be used to provide access to the 'work' units for

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people who may live in Alresford and work in the new development, and indeed the service should be flexible enough to adapt to serve as commuter transport for the site from the local area.

I would still maintain that the site would be ideal for the use of a number of 'car-club' vehicles, maybe not to replace private 'first car' ownership, but to provide occasional car access and curtail the use of 'second car' ownership, which is often high in remote rural developments such as this site.

The points made by the applicants regarding the existence of a LEA transport facility past the site do not really assist in the sites sustainable transport credentials. Such a facility is already a cost to the taxpayer, further demands on such services are at a further cost, and it is undoubtedly preferable to locate new development where there is sustainable (walking and cycling) access to educational facilities.

In summary, whilst I would still maintain that Old Park Wood is not a sustainable location in transport terms for redevelopment as a live/work site, the applicant's agreement to provide community based transport on the basis discussed above does go some way to improve the transport credentials of the development, so long as the agreed period of funding is on the basis of a five year term.

Engineers: Drainage:

Applicant proposes to use a treatment plant for the disposal of foul water but has not, as yet, taken porosity tests. Before development commences the applicant must supply to the LPA details of the plant to be installed and the position and size of the drainage field to be used for the disposal of effluent from the works (calculated after porosity tests taken to BS 6297)

Storm water is to go to soakaways and to a harvesting system for re-use – this is to be commended in the interests of water conservation.

No objection, subject to EA giving a discharge consent, details of treatment plant and drainage field being submitted for approval and Building Regs approval being granted.

Environmental Protection:

No adverse comments, subject to the attachment of conditions and informatives in the event of planning permission being granted.

Environment Agency:

Having reviewed the Land Contamination Preliminary Risk Assessment, we agree with the recommendation for intrusive site investigations.

No objection in principle, subject to conditions:

Southern Water:

Southern Water has no apparatus, either water or sewerage, anywhere near the site of this proposed development.

Landscape and Open Space :

There is very little significant change in this application since the original submission in October 2006 and comments made by others regarding urban design and landscape then are still largely relevant today. In particular, the first 4 paragraphs of the landscape response and paragraphs 4-7 of the urban design response are still particularly pertinent.

I would add, however, that, whilst the site is located in open countryside, (although partially concealed due to topography and the arrangement of trees and woodland), and new buildings will be obvious from the road, in landscape terms the development represents an enhancement on what is presently visible on the site.

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The WCC Landscape Character Assessment for this area proposes that any new development should be integrated into the well-treed rural setting through the appropriate use of native trees and hedge planting and therefore, providing significant trees and other vegetation are retained and there is a robust planting scheme to address views into the site, particularly from the approach to the north, the development could be well integrated into the landscape.

The Council's open space requirements are fully met on site and there would be no requirement for any off-site provision or financial contribution, subject to a legal agreement to formalise the requirement for a returnable bond to cover the laying out and landscaping of on-site open space areas and an inspection/supervision fee.

Arboriculture

The submitted tree report sufficiently addresses the majority of the tree issues for the site, but unfortunately the scheme has earmarked the removal of five good quality (B Grade) beech trees to facilitate an access road. (Annotated G7).

The arboricultural impact assessment states that removing these prominent trees will not have a significant impact on the existing landscape character, however, I am concerned that this may have a detrimental affect on the visual amenity of the area given that the trees form a corridor along the road.

The proposed plan does show a considerable amount of new planting for the site, and yet the trees on the eastern boundary remain visually significant, as they would provide a screen from the road.

I accept that the proposed redevelopment and regrading may damage the already limited root zone of the trees earmarked for removal (G7), however, I do not feel that two replacement trees in the vicinity are sufficient to fill the gap that will be left if they are removed.

Crime Prevention Officer

No objection is made, the following observations were submitted:

No reference is made in the applicant's Design and Access Statement to security of the buildings or for persons living or visiting the premises. DCLG Circular 1/2006 states these should be included.

Car parking areas must be lit to the relevant levels as recommended by BS5489 and a certificate of compliance must be provided (to achieve SBD certification). The Design and Access statement indicates that bollard lighting will be used on the development; SBD does not recommend their use due to their ineffectiveness, particularly within car parks and their vulnerability to vandal and other criminal attack. Column lighting would be more beneficial for security.

Although the majority of car parking spaces are in view of the dwellings there are four parking bays to the north of building 14 that have no natural surveillance; similar problems exist with the two bays to the west of house 6.

To ensure site security, planting of a suitable height and depth should be employed on the perimeter of the site, alternatively 1.8 high close board fencing. Houses 7-14's rear gardens back on to open land, also cars parked at the northern perimeter could be at risk, therefore the more effective the planting/fence, the more secure the site will be.

For security purposes all external doors and windows should meet SBD standards, including cycle store areas.

Fences are recommended to be at least 1.8 metres at the rear of properties 1-4, 5-6 and 7-14.

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Care must be taken to ensure that the lower roofs to the rear of the 3 bedroom houses cannot be easily accessed. From a previous drawing it appears that a low fence may be a ladder to a verandah, which could give access to windows, and then to the roof and other windows and houses.

It is important that the play area has good natural surveillance from the dwellings.

Throughout the site it is recommended that shrubs be maintained at a maximum height of 1 metre

Urban Design comments (n.b. These remain relevant from the previous application)

In landscape and urban design terms it's success or failure will depend on securing and enhancing the landscape framework so that the development is not visible from outside the site other than the wind turbines popping up above the trees and the odd cowl. Ideally, people should be unaware of the development until they come upon it and view it through the entrances.

It is therefore very important that a tree survey is submitted and considered carefully. This is essential as buildings are in close proximity to the trees, there will be changes of levels, and also trees may be affected by sightlines from each entrance.

Following the submission of a tree survey, revisions to the siting of buildings may be necessary. In any case the landscape master plan needs revising. It is essential that the west, north and east boundaries are considerably reinforced and enhanced within the red line (more space within the site may be needed for this). The developer needs to show us how this will be done, with some typical detail.

Reinforcing the northern boundary is important for another reason. Whereas I support the contemporary forms and designs of the buildings, I think that, if there is any more than the odd glimpse of a roof cowl, the turbines or a house gable through the trees when travelling from the north, the development would appear out of character. As it stands now, most of the north elevation of units 15 to 18 and the gable end and the front elevations of units 7-14 will be visible from Old Park Road as you approach the site from the north.

The central public open space onto which the houses face needs more thought. This will be the focal point in the scheme and well used by residents, particularly children. It will need some significant structure. Something out of the ordinary perhaps!

Representations:

Bishops Sutton Parish Council:

The Bishop's Sutton Parish supports this application unreservedly. It fulfils all the new guidelines of PPS4, which, although still in draft form, should be taken into account when reaching this decision.

Changing the use of Old Park Road Industrial site would benefit the environment, bring opportunities of work to our village and reduce the carbon footprint.

The scheme is superb combining the changing patterns of employment in rural areas with a carefully constructed well-designed plan to suit the landscape and the needs of those occupying the live/work units.

We cannot find a single reason why this scheme is not more beneficial to our village than a dirty, traffic generating industrial site and urge that permission be granted for this marvellous scheme.

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Bramdean Parish Council

Comments:

- 1) Concern that there will be no demand for this amount of live/work accommodation in such an area.
- 2) Concern that it will be difficult to ensure that the work element does not become additional residential living space – will this be conditioned and policed?
- 3) Concerns about the impact of such a large development on local services, particularly on schools, which are already struggling to meet demand for places, leaving aside the forthcoming expansion in Alresford.
- 4) Concerns about reliance on the car as there will be no pedestrian routes either in or out.
- 5) Concerns about applicant's objections to providing the quota of affordable housing and unwillingness to make a financial contribution – the fact that it would “allegedly” make the scheme financially unviable is irrelevant.
- 6) Concerns about the proposed density and the minimal living space in the 2 bedroom units which will increase pressure on the usage of the workspace for residential. Replacing those 8 units with 4 larger units would reduce traffic and demand on local services.

In conclusion, we would also comment that the site is north facing behind woodland, hardly ideal for a wind turbine especially in an AONB (future national park). The proposal has been 'greened' to gain permission for a scheme which is counter to the spirit of existing planning legislation. If consent is given, firm conditions must be attached to ensure that the live/work units do not develop by default into something totally different from that originally envisaged as ownership changes.

1 letter received from existing tenant business at the site objecting for the following reasons:

- Site unsuitable for this type of development as there are currently similar empty units in the area, including live/work units.
- The current business on site has been operating from the site for 5 years, therefore now established and known to customers. Relocating would have major adverse impact on business resulting in possible closure due to cost of relocating and loss of local customers.
- The current tenant is an employer of local people. If premises were to move, employees would have to travel further.

1 letter of support received.

Councillor Simon Cook. Letter of 3/02/2007.

Relevant Planning Policy:

Winchester District Local Plan Review

DP.1, DP.3, DP.5, DP.6, DP.9, DP.13, DP.15, CE.18, E.2, E.4, H.4, H.5, H.7, T.1, T.4, RT.4,

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPG 4 Industrial, Commercial Development and Small Firms

PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation

PPS 10 Planning for Sustainable Waste Management

PPS 11 Regional Spatial Strategies

PPS 12 Local Development Framework

PPG 13 Transport

PPG 17 Planning for Open Space, Sport and Recreation

PPS 23 Planning and Pollution Control

PPG 24 Planning and Noise

Supplementary Planning Guidance

Winchester District Landscape Character Assessment

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Other Planning Guidance

Guide to the Open Space Funding System
Hampshire Biodiversity Action Plan
Movement, Access, Streets and Spaces
Parking Standards 2002
Technical Paper: Open Space Provision and Funding
The Hampshire Landscape: A Strategy for the future
Winchester District Landscape Assessment

Planning Considerations

Principle of development
Sustainability
Highways
Affordable Housing,
Design / layout
Open Space
Landscape
Impact on character of area and neighbouring property

Principle of development

Although this proposal amounts to a departure from the provisions of the Development Plan, the applicant contends that it is a unique situation that requires special consideration. Accordingly, he draws on recent national planning developments in the form of draft PPS4 'Planning for Sustainable Economic Development' and the Annex to PPS1 'Planning and Climate Change' to deduce that national policy is more supportive than it was when this proposal was previously considered and refused in December 2006. This matter has been specifically referred-to in the consultation response from Strategic Planning (see above, Consultations section of this report). Whilst due consideration has been given to such government advice it is not the officers' view that it outweighs the broader policy considerations of this case and particularly those of PPS7 which remain particularly relevant to the consideration of this proposal.

The site is previously developed land and its use for industrial purposes is lawful within the limits of the existing development. The planning history sets out the various previous unsuccessful attempts to secure planning permission for redevelopment of the site either for industrial / business use or for residential purposes. These have failed on policy grounds, both at application stage and where subsequent appeals were pursued.

The current scheme has evolved following the Inspector's comments on the last appeals for 6 or 9 houses in 2003 and follows subsequent liaison with Bishops Sutton Parish Council, officers of WCC and a public meeting in May 2005 when 4 options were discussed. These options included; do nothing, commercial redevelopment, live/work units, housing and other options such as gypsy site, hotel / holiday /recreation / leisure use, and equestrian centre. A vote was taken at the meeting, which resulted in a preference being expressed for housing and live/work units. The applicant chose to work up this scheme as being that which most closely met local wishes and could offer better sustainability prospects for the site's redevelopment.

As can be seen from the planning history, there has been a succession of applications and dismissed appeals for different expansion / redevelopment proposals, the most recent being as referred to above, for two alternative residential schemes for 6 (W6883/17) and 9 (W6883/18) dwellings respectively.

The Inspector's January 2003 decision letter on these appeals identified the main issues as

(a) the suitability of the proposal for the site, having regard to local and national policies relating to housing in the countryside and the protection of employment land and

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(b) the impact of the proposal on the character and appearance of the surrounding countryside.

On the first point he concluded as follows:

“I conclude on the first issue that the proposals would not be suitable for the site because of their conflict with policies C2 and H10 of the SP and proposals C1, C14, H3, and H7 of the LP, as well as with the Council’s SPG and with advice in PPG3 and PPG7. Appeal A would also conflict with policy H8 of the SP and proposal H5 of the LP, because of the absence of affordable housing. I also conclude that problems caused by HGV traffic on local roads are not so overriding as to justify the loss of this employment site, and that the proposals would therefore be contrary to proposal E2 of the LP. However, even if the advantages of removing HGV traffic would warrant the loss of employment land, that would be outweighed by the unsuitability of these proposals for the site due to their conflict with housing and countryside policies.”

On the second point he concluded:

“that the proposals would cause unacceptable harm to the character and appearance of the surrounding countryside. They would therefore be contrary to policies C1 and UB3 of the SP and proposals C2, C7 and EN5 of the LP.”

Whilst the site does comprise previously developed land, as defined in PPS3, its location is unrelated to any settlement and cannot be considered to be sustainable. Nonetheless, the site’s lawful use for B2 purposes includes the existing buildings, which extend to approximately 2,800 sq m, and a large area of external storage.

Replacement of the existing buildings on a like for like basis in terms of area could accord with the development plan provisions (Policy CE.18 of WDLPR) and PPS 7. However, the cost of this has always been stated not to be viable, having regard to the need to clean up the site, which has a serious contamination issue as a result of the previous heavy metal processes that have occurred on parts of the site. The applicant has thus always sought to intensify the use to achieve viability but this has been resisted for countryside policy reasons, non-sustainability, visual impact and traffic issues.

This proposal therefore represents an attempt to find a viable form of re-development that will support the cleaning up of the site and address the sustainability concerns so far as is possible, whilst also enabling the retention of an employment use on the site but minimising associated commercial traffic. It also does not increase the existing overall floor area being for a total of 2,760m² floorspace, 36.2% of which would comprise workspace.

The merits of the proposals are discussed in a comprehensive supporting statement, which includes an access and design statement, an architectural philosophy for the design, renewable energy proposals, landscape proposals, land contamination risk assessment and transport assessment. These are referred to further in the following sections of this report. Additionally, a supporting report on the commercial property market in the area concludes that there is very limited demand for the present industrial accommodation on the site due to its location and the availability of better competing floorspace.

The concept is to produce a small community of people living and working on the site in small work areas that will be for B1 Use purposes i.e. uses that by their nature are compatible with residential. These will be largely office or research and development uses, but can include light industrial uses that do not involve any processes that would be detrimental to residential amenity due to noise, dust, smoke etc. The seclusion and isolation of the site offers the opportunity for a distinctive contemporary design that will reflect the low energy credentials of the scheme.

Although the application site has long been an eyesore due to the nature of its use, its isolated location in the countryside and the inadequacies of the access roads to take the type and amount of traffic generated, it is not a site that is appropriate for residential development. The provision of residential development in the countryside, other than to meet essential agricultural and related needs and for essential affordable housing needs related to existing

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settlements, is contrary to the countryside policies of the development plan and to national policies set out in PPS1, PPS 3 and PPS7.

It is also clear from the history of the site that further expansion for commercial purposes is not appropriate and this view has been consistently supported at appeal in the case of previous applications for intensification of the existing site use. The present industrial use is, however, lawful and the working hours unrestricted, so without re-development the use will continue and could become more intensive if longer working hours were adopted by the tenant firms.

The site may be considered as previously developed land under the provisions of PPS3 (Annex B) but it is explained therein at paragraph 41 that, when identifying previously developed land for housing development, Local Planning Authorities and Regional Planning Bodies will, in particular, need to consider sustainability issues as some sites will not necessarily be suitable for housing. The importance of sustainability considerations is further emphasised in PPS1 and 7.

The site is not in a sustainable location and does not relate to an existing community, the nearest settlements being Bramdean, Ropley or Bishops Sutton which are all well over a mile away from the site, and there is no public transport or footpath from the site. Moreover, the site does not represent the efficient use of land in terms of density guidance since it is 13.76 dph, although this includes the southern open space area. Furthermore, the site does not have good infrastructure for residential needs and is potentially seriously constrained by existing contamination.

Development as proposed does not therefore meet national or local policy guidance but the proposals respond to this by attempting to make the development as close as possible to energy neutral in an attempt to override the very strong policy objections provided both by national planning guidance and development plan policies, which indicate that this development should be resisted.

Sustainability

The application for live / work units responds particularly to the comments made by the Inspector in dismissing the last appeals for alternative housing re-development schemes. This application accordingly seeks to address the 'non-sustainable' shortcomings of the site in the following ways.

By providing a use that enables people to both live and work on site the number of people travelling to the site for employment purposes is reduced.

The design of the units and the layout embrace many features to maximise the sustainability credentials of the development by reducing its carbon footprint and promoting self-sufficiency. These include building to the highest standards of insulation to reduce heat loss, use of triple glazing, reducing air permeability and increasing thermal mass. All services would also be to best efficiency standards, including sewage treatment plant rainwater harvesting to provide grey water for WC's and irrigation, plus reduced new water usage by use of restrictors. These combined initiatives would enable all the units to achieve Code 4 Rating in the Code for Sustainable Homes.

Moreover, with the incorporation of renewable energy sources within the scheme in the form of ground source heat pump, biomass boiler heating scheme, solar hot water from roof mounted panels and passive ventilation using roof cowl exhausts, it would reduce the site's carbon footprint by 94.9% compared to the existing and this would increase to 99.3% with the inclusion of the three wind turbines option. The wind turbines are not, however, formally part of the application as such, and would need to be dealt with separately if considered desirable.

The self-sufficiency proposals include provision of allotments and greenhouses for each unit.

In response to the criticisms of the site's sustainable transport shortcomings, the applicant is now additionally offering to establish a dedicated minibus service to serve the site as part of the communal benefits to be set up under the management company provisions, which would

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be secured by way of a Section 106 Agreement in the event of the application receiving approval. The service would be initially funded by the developer in the first year and then as a management charge in subsequent years and would provide for AM and PM peak time return trips to Alresford plus another mid-day trip. The stated intention of such a service is that it be provided in perpetuity but with a review after 3 years.

Highways and Parking

The supporting transport assessment has been updated to reflect the repositioning of the access further to the south in order to address previous reason for refusal No. 3 regarding inadequate visibility splays.

The transport assessment indicates that there will be no significant net change in peak hours trip rates or total movements per day between the current and proposed usage, although the HGV movements will be significantly reduced.

The closure of the existing northern vehicular access and its re-siting approximately 70m to the south is stated to improve the northern visibility splay from 30 x 2.4m to 140 x 2.4m without compromising the southern visibility splay. The amended access location and the provision of necessary sight lines would, however, adversely affect the existing trees to the site frontage and necessitate the removal of five trees to the detriment of the site's screening and frontage character.

Parking provision is high, at 3 spaces per unit, but, given that this assumes one space per dwelling, 1 for the work space and 1 for visitors, and allowing for the absence of any public transport to serve the site, it is not an unreasonable level of provision. Moreover, the parking is accommodated satisfactorily within the layout. It is questionable, however, whether there will be a need for additional staff parking, as it would be unrealistic to assume that each work unit will not accommodate more than one employee in addition to the proprietor who will live on site. Whilst the mini-bus service will provide an alternative for employees, inevitably it will eliminate the need for some employees to travel independently to the site.

As stated in the sustainability section of this report the applicant is proposing to provide a mini-bus service to serve the site, which would be administered by the management company and secured by way of a Section 106 Agreement.

The Sustainable Transport Officer, whilst acknowledging that this goes some way to improving the sustainable transport credentials of the development, believes that an eco 'car-club' arrangement would provide a more flexible and effective means of improving the sustainable transport options for this site which, by its location, cannot be a sustainable site in transport terms.

Affordable Housing

The provisions of Policy H5 of WDLPR normally require that 30% affordable housing provision be made in developments of 5 or more dwellings. In this case 18 dwellings are proposed, which would generate an affordable housing requirement for 5 dwellings.

In the case of the previous application, reason for refusal No. 1c related to the lack of affordable housing provision. This application has made reference to other examples of live/work developments in other authorities where it has been accepted that such developments are *sui generis* in use class terms and thus do not attract an affordable housing provision.

The applicant has always maintained that an affordable housing requirement is inappropriate and cannot be supported by the development. Firstly, because live/work developments comprise a mixed use they are *sui generis* in Use Class terms (Paragraph 79 Circular 03/2005) so should not be subject to the provisions of Policy H5. Secondly, the very high cost of the development due to its carbon neutral design and the expense of clearing and decontaminating the site, makes it unable to bear the cost of affordable housing.

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Previously officers considered that the scheme should at least make a financial contribution in lieu, given that the on-site provision of affordable housing would be inappropriate due to its isolated unsustainable location and the nature of the development, and considering that the proposal constitutes a policy exception which, if supported, should be clearly justifiable in terms of community benefit and that proportionally the residential use is the predominant use of the site in this case. However, it is now accepted that such a requirement is not likely to be justifiable in light of the advice of Circular 03/2005 and other case law.

Design/layout

The layout is arranged formally around three sides of a square of open space, with the vehicular access and parking separating the buildings from the open space on the southern and western sides. The site is stepped on the southern side of the main access road with the higher southern part providing allotments, greenhouses, a tennis court and the biomass boiler unit which is set into the terraced bank. The three 20m high wind turbines would also be sited as part of the circular allotments area. Separate application for the wind turbines will be made if this proposal is successful. The north west corner of the site accommodates the rainwater storage tank and sewage treatment plant.

The live/work units are of contemporary design and include part sedum 'green' roofs and part metal standing seam roofs. The elevations include part white render, part timber weatherboarding and part aluminium louvers and solar panels. A striking feature of all the units is the large aluminium wind cowls that are part of the 'passive stack' ventilation system that draws air through the building and exhausts it through the cowl.

Open Space

The proposals provide:

- 576m² of general recreation/amenity space in a central open square area providing both a courtyard feature for the development, and an area for community social activity.
- A further 530m² of social open space is provided in the centre of the allotment area.
- A formal play area of 192m², in addition to an area of casual play space of approximately 360m².
- A tennis court for adult sport usage of at least 647m².

This provision fully meets the Council's open space standard which requires 148m² of general recreation open space, 296m² of children's play space and 592m² of adult sports ground. Therefore there is no requirement for any off-site provision or financial contribution but a returnable bond of £41,617 to cover the laying out and landscaping of on site open space and an inspection/supervision fee of £869 and a commuted sum of £17,384 if the open space were transferred to either the Parish Council or City Council to manage, would be applicable were the proposals to proceed.

The benefit of this public open space to the wider community is, however, of questionable merit as other residents of the parish would most likely have to reach the site by car, which could have consequent implications for parking provision and the need for further facilities such as changing space and lighting.

Landscape/Trees

The landscape proposals address the concerns about screening to the northern boundary and reinforce planting to the other boundaries. The central open space and separate play area are overlooked by the west and south blocks of live/work units but the northern units 15-18 have not been turned to address the open space because of the desire to retain the southern aspect to the gardens and exclude cars from the third side of the central open space. A wall with gates has been provided to reinforce the north boundary of the open space and the footpaths narrowed and trees added to reinforce the formal nature of the central open space.

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The step between the two parts of the site has also been softened by removing the retaining wall and terracing the change of levels.

Impact on character of area and neighbouring property

Although this site is currently an incongruous feature that is out of keeping with the character of the countryside, it is only really noticeable as an incident when travelling along Old Park Road. It is not visible from public footpaths or from any distance and is reasonably well contained in the landscape. The nearest neighbour to the site is some 300 metres away and separated from it by Old Park Wood. The site does not therefore impact adversely on neighbouring properties.

The redevelopment of the site as proposed would nevertheless clearly achieve a significant environmental improvement in an area that forms part of the proposed South Downs National Park designation and would improve the visual amenity of users of Old Park Road.

Conclusion

This proposal is undoubtedly an imaginative attempt to address the objections of previous redevelopment schemes and to provide an environmentally sound development employing current good practice in terms of achieving a near carbon neutral form of development. It would also allow for the appearance of the site to be substantially improved and for the contamination to be cleaned up, although it would continue to appear as an incongruous development because of its isolated situation. Furthermore, it is important to recognise that the removal of sites that are eyesores is not in itself justification for development that is unacceptable for other reasons.

Against the benefits, however, must be considered the conflict with national and local policy that the development involves. Notwithstanding the provisions of draft PPS4 which, at paragraph 32, states that "*LPA's should support small scale economic development where it provides the most sustainable option in villages that are remote from, and have poor transport links with, local service centres*" this does not override the provisions of PPS7 which currently remains the most relevant government guidance. This clearly states that the focus for most additional housing in rural areas should be on existing towns and identified service centres or where there is an identified local need for new housing. There is no such overriding justification for the development in this case, which is contrary to the countryside policy provisions of the development plan.

Although the development is commendable as regards its carbon neutral aspirations, this cannot mitigate the negative aspects of the site's non-sustainable location which makes the proposal unacceptable, both in terms of local policy considerations and of national planning guidance as contained in PPS13, PPS7, PPS 3 and PPS1

Recommendation

That permission be refused for the following reasons:

Reasons

1. The proposed development does not accord with the requirements of Policies CE.18, E.2, E.4, H.4, H.5, T.1, of the Winchester District Local Plan Review, in that it:-

(a) represents the undesirable establishment of residential development, for which there is no overriding justification, in an area of countryside that is unrelated to any existing settlement or facilities;

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(b) would result in the loss of an existing site in lawful use for B2 employment purposes to the detriment of rural employment opportunities in the district; and would introduce a predominantly B1(a) office use contrary to Policy E4 of the Local Plan;

(c) does not comprise re-use of existing buildings or meet the needs of existing established businesses but constitutes speculative new development in the countryside which would be reliant of use of private cars and for which there is no evidence of an overriding need in the interests of the rural economy. Such development would therefore fail to satisfy the sustainability requirements of the Local Plan and government guidance as set out in PPS13, PPS7, PPS 3 and PPS1.

2. In the opinion of the Local Planning Authority the proposal involves development that cannot be reconciled with national planning policy guidance in PPG13, in that it would result in development that would be inappropriately located away from existing urban areas and would thus over-rely on the private car for access and transport purposes. This would result in an unacceptable increase in the number and length of car journeys to the detriment of the environment and the locality. The proposal therefore conflicts with the strategy of the Hampshire County Structure Plan (Review) particularly Policies T1 to T5.

Informatives:

The Local Planning Authority has taken account of the following development plan policies:-

Hampshire County Structure Plan Review: T5,

Winchester District Local Plan Review: DP.1, DP.3, DP.5, DP.6, DP.9, DP.13, DP.15, CE.18, E.2, E.4, H.4, H.5, H.7, T.1, T.4, RT.4,