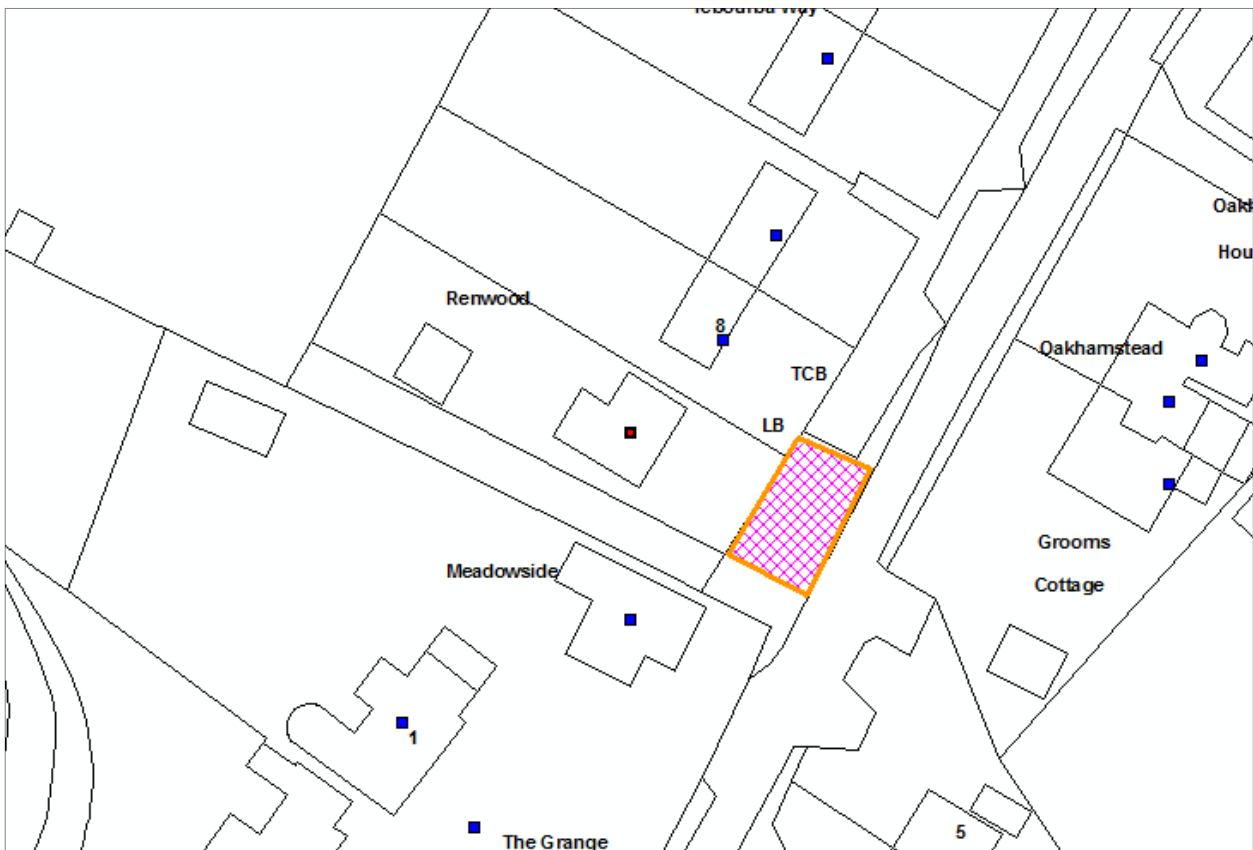


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 18/01942/FUL
Proposal Description: Change of use from Nil use to Residential.
Address: Renwood Outlands Lane Curdridge SO30 2HD
Parish, or Ward if within Winchester City: Curdridge
Applicants Name: Mr Ronald Ross
Case Officer: Robert Green
Date Valid: 13 August 2018

Recommendation: **Application Permitted**



© Crown Copyright and database rights Winchester City Council License 100019531

Case No: 18/01942/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

General Comments

The application is reported to committee due to the number of objections received contrary to the Officer's recommendation.

The application is also reported at the request of Curdridge Parish Council, whose response has been included as Appendix A.

Site Description

Renwood is a detached property set 18.8m from the roadway. The dwelling copies the design style found on the semi-detached properties to the north, but is unique in being a detached property.

Renwood contains a front garden and shares an access point with 8 Tebourba Way. The application site sits between the front boundary of Renwood's garden and the roadway and is 13m by 9m in size.

The site currently forms an open area which has been shingled and is used informally for vehicle parking. The land is currently owned by Winchester City Council and is in the process of being sold to the applicant.

The site would border the front garden of Renwood to the west, a farm access track to the south, the shared access point with the neighbouring property to the north and the Outlands Lane roadway to the east.

The area is rural in nature and contains a variety of dwelling types. Dwellings of a similar age and design have been built on the western side of the roadway, including the application site. The neighbouring property to the south, Meadowside, is set further forward than other dwellings.

Outlands Lane was previously a through route connecting Kitnocks Hill to the A3051. The road now terminates at the A3051 end and a turning circle has been provided at this location.

Proposal

The proposal is to change the use of the land to the front of Renwood to residential garden.

This would allow for the land to be enclosed and included within the front garden space of the property.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Relevant Planning History

No relevant planning history regarding this area of land.

Consultations

Engineers: Highways:

- The application would result in the removal of a small area immediately in front of Renwood which previously presented an informal parking opportunity.
- The Engineer notes the majority of other houses in the vicinity had on site parking which complied with or was in excess of Residential Parking Standards.
- The development would not cause sufficient demonstrable harm to users of the public highway to successfully sustain a reason for refusal.

Head of Landscape

- No objection subject to details clarifying what vegetation is to be retained and what is to be lost.

Representations:

Curdridge Parish Council

- The land is valuable community open space
- Affects access to the field to the rear of the properties.
- Parking and turning issue on land could easily be overcome by adding signage.

34 letters from 28 addresses received objecting to the application for the following reasons:

- Used as parking for friends and visitors, displacement of cars
- Farmers machinery accessing fields to rear
- Loss of turning space
- Loss of open space

Reasons aside not material to planning and therefore not addressed in this report

- Processes leading to the sale of the land which are outside of planning considerations.

8 letters from 6 addresses of support received (*excluding support comments from applicant property*)

- Area is used for inconsiderate parking and turning
- There is a designated turning place at the end of the lane
- Many houses have own drives and off road parking

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
MTRA4 – Development in the Countryside

Case No: 18/01942/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM23 – Rural Character

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

High Quality Places

Planning Considerations

Principle of development

Policy MTRA4 of the Winchester Local Plan Part 1 is relevant as the site is situated in the countryside. This policy states that the Planning Authority will seek to limit development other than that which has an essential need to be located in the countryside. However, the policy makes no reference to the change of use to residential.

Therefore, the site is located in the countryside where the inclusion of open land into residential curtilage is generally resisted unless it can be demonstrated that it would not result in harm to the character and appearance of the surrounding area.

In recent district appeal decisions (*APP/L1765/W/16/3147290 – Flintwall Cottage, Soberton*), the Inspector notes that in cases which involve the conversion to residential garden, bespoke consideration should be given as their planning considerations will differ and need to be treated on their own merits within the general framework of protecting the countryside from inappropriate development.

Therefore, whilst the development plan does not contain a direct policy providing the principle of development, sufficient consideration should be given to whether the development would have a harmful impact on the visual amenities of the area.

Impact on character of area and neighbouring property

The surrounding area is rural in character. Dwellings on the eastern side of the roadway are more traditional and variable in design and sit at a higher level to the roadway. Dwellings on the western side are more uniform and have an equal set back from the roadway.

In its current state, the land contains gravel and does not individually create an attractive area of land in the interests of the rural characteristics of the area. The loss of this land is therefore justified.

It is acknowledged that the rural character of the road is supported by the open spaces in front of dwellings, which is more evident in this area as the space opens in line with 1 Tebourba Way.

Case No: 18/01942/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

However, the application site is located at the far end of this stretch of open space. Meadowside (the neighbouring property to the south) sits forward of the established building line and would run parallel to the application site. As a result, the extension of the residential garden would be read in the context of the side elevation of Meadowside which interrupts the sense of open space in this immediate area.

In addition to this, a key consideration would be the choice of boundary treatment used to enclose the space. In respect of the characteristics of the area and the boundary treatments which contribute to this, new hedging of a similar type to surrounding properties is to be used, and this is secured by condition.

In addition, and to prevent the later construction of a hard boundary wall, condition 04 has been included to ensure that natural vegetation is used in this area, whilst condition 05 ensures that residential paraphernalia is not used on the land (such as play equipment).

Therefore, whilst it is acknowledged that the development would result in the loss of an area of land which currently provides an open space in this rural environment, the location of this area of land toward the end of this open space results in it being read in the context of surrounding built form which evidently disrupts this space.

In addition, attention has been paid throughout the application and enforced by the condition process to ensure appropriate boundary treatments are used.

An adverse impact on residential amenity is not demonstrated by the proposal.

Highways/Parking

The land is currently used as informal parking on an unallocated basis. Upon visiting the application site, the Officer and Highway Officer noted that the majority of properties contain off-road parking spaces which met or exceed the expected Residential Parking Standards. As a result, whilst it is acknowledged that the enclosure of this space would result in the displacement of around 3 cars which informally use this space, an adverse Highways impact cannot be proven and a reason for refusal is not offered on these grounds.

Whilst the development would bring a boundary feature closer to the roadway, this would reflect the situation along the majority of Outlands Lane and sufficient space would remain for vehicles to pass the site.

Concern has also been raised regarding the wider highway impacts. It is noted that this area is currently used as a turning space and comments have been made about the impact of the development on farm and delivery vehicles.

However, there is a formal dedicated turning space at the end of Outlands Lane which was implemented following the road's closure. This is located approximately 290m to the south. Whilst it is acknowledged that vehicles may have to travel further to use a turning space, in doing so they would be using an area of highway designed for this purpose and this does not create an adverse Highways impact.

Recommendation

Application Permitted subject to the following condition(s):

Case No: 18/01942/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Conditions

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

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

2. The development hereby approved shall be constructed in accordance with the following plans:

Location Plan received 20.08.2018

Planning Statement (including Figure 1) dated 12.08.2018 and received 13.08.2018

2. Reason: In the interests of proper planning and for the avoidance of doubt.

3. The boundary hedging used to enclose the development hereby approved must match surrounding examples.

The landscaping shall be carried out in the first planting season following the occupation of the land 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.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Class A of Part 2; Schedule 2 of the Order, no wall or hard boundary treatment shall be erected surrounding the application site at any time unless approved in writing by the Local Planning Authority.

4. Reason: The area is situated within a rural area where natural boundary treatment positively contributes to the characteristics of the area.

5. Residential paraphernalia which is visible from the public realm shall not be placed on the application site at any time.

5. Reason: The area moves forward of surrounding front garden spaces and should be kept open in the interests of the rural character of the area.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Informatives:

1.

In accordance with paragraph 38 of the NPPF (July 2018) , Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

2.

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

Local Plan Part 1 - Joint Core Strategy: MTRA4,

Local Plan Part 2 – Development Management and Site Allocations: DM15, DM16, DM17, DM18 and DM23

3.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4.

All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5.

During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6.

Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practise

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7.

Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Appendix A – Curdridge Parish Council Response

Robert

Further to our previous emails, Council considered the above application at last night's meeting. In view of the fact that this application also appears to be very contentious, I have likewise also copied below the public discussion for your information:

18.131.3 Renwood Outlands Lane Curdridge SO30 2HD - Change of use from Nil to Residential. Case Officer: Robert Green. Case No: 18/01942/FUL.

Members of the public present were representing various residents of Outlands Lane and objected to this application on the grounds that the proposed piece of land should not be listed as NIL, as it has always been well used for many years as a community open space that also provides additional parking within Outlands Lane to avoid the lane (which is very narrow) becoming congested. Objectors advised Council that there have been at least 38 objections to this application, with at least 15 objectors living within the immediate vicinity. Many objectors have raised concerns that WCC has entered into negotiations to sell this piece of land without first consulting the local community who regularly use the land or advertising the land for sale to the general public. Residents are also concerned that the applicants refer to their concern for the environment in their application, but have recently removed three mature trees from their rear garden on the basis of requiring space for a play area.

Cllr Bundell advised Members that historically when these council houses were built two long parking bays were incorporated along the roadside to provide additional parking and delivery bays. He also raised concerns that if this land was sold and fenced it would affect the access to the fields at the rear of these properties, as this land is currently used as a turning splay for commercial vehicles gaining access to the fields at the rear of these properties.

Resolved TO OBJECT on the grounds that this piece of land is not "NIL" land, it is a valuable community open space, which has been used regularly by all local residents since it was installed (and in more recent years mainly for additional parking space to relieve congestion on Outlands Lane). Members feel that if this land were sold and fenced off it would also adversely affect access to the fields at the rear of these properties, as commercial vehicles entering the fields have always used this land as a turning splay to gain access into the fields. It is felt that the applicant's argument that the land is constantly being used for vehicles turning could easily be overcome by placing a sign notifying drivers there is a turning head at the end of the road. Members are concerned that there have been at least 38 objections to this application and that many objectors have raised concerns that the local community was not consulted by WCC about the sale of this land and that the land was not advertised for sale on the open market. Council therefore requests that this application please be referred to WCC's Planning Committee.

Many thanks.

Kind Regards.

Jenny Whittle
Parish Council Manager
Curdridge Parish Council

Case No: 18/01942/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Tel: 01489 786557 or mobile 07858 491919

Email: clerk@curdridge-pc.org.uk

Information contained in this email and any attachment is intended for the use of the addressee only and may be confidential. Any dissemination, distribution, copy or use of this communication without prior permission of the addressee is strictly prohibited. If you receive this message in error please immediately delete it from your system and notify us by return email. Please note that opinions expressed by the author of this email are not necessarily those of the Parish Council as a corporate body.

We do our best to guard against viruses. If you get a virus, we cannot accept liability for any damage. You should carry out your own virus check before your open attachments.

From: RGreen@winchester.gov.uk
Sent: Wednesday, August 22, 2018 7:42 AM
To: clerk@curdridge-pc.org.uk
Subject: RE: 18/01942/FUL (Renwood, Outlands Lane)

Morning Jenny,

14th September is fine.

Thank you,

Rob

From: Jennifer Whittle [<mailto:clerk@curdridge-pc.org.uk>]
Sent: 21 August 2018 20:29
To: Robert Green
Subject: Fw: 18/01942/FUL (Renwood, Outlands Lane)

Robert (and Members for notification of new Planning Application received)

Thank you for your email. Our next Council Meeting is on 13 September next, would it please be possible to have an extension for our consultation response to 14 September 2018 please?

Many thanks.

Kind Regards.

Jenny Whittle
Parish Council Manager
Curdridge Parish Council
Tel: 01489 786557 or mobile 07858 491919
Email: clerk@curdridge-pc.org.uk

Case No: 18/01942/FUL