

ITEM 8

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| APPLICATION NO. | 11/02718/FULLS |
| APPLICATION TYPE | FULL APPLICATION - SOUTH |
| REGISTERED | 09.12.2011 |
| APPLICANT | Gale Homes Ltd |
| SITE | Victory Gospel Church, Nutburn Road, North Baddesley, NORTH BADDESLEY |
| PROPOSAL | Demolition of the existing building, and erection of 3 no. detached dwellings |
| AMENDMENTS | |
| CASE OFFICER | Mrs Liz Harrison |

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is referred to Planning Control Committee (PCC) as the Southern Area Planning Committee (SAPC) concluded that the application should be refused and was advised that there was no technical support for the reason for refusal put forward by Members.
- 1.2 The application was considered at SAPC on 21 February 2012, where it was resolved to refuse the application for the following reason:

The proposed development would deprive the remaining adjacent community building, recently used as a place of worship of adequate car parking provision and would result in on-street parking in Nutburn Road to the detriment of highway safety, contrary to policies TRA 02 and TRA 09 of the Test Valley Borough Local Plan 2006.

- 1.3 A copy of the SAPC agenda report is attached at **Appendix A** and a copy of the SAPC update paper is attached at **Appendix B**.

2.0 PLANNING CONSIDERATIONS

Highways

- 2.1 At the time of the Southern Area Planning Committee on 21 February the consultation response from the Highways Officer, on the information available, was one of no objection, subject to conditions being attached to any permission. As such Members were advised at committee that there was no technical support for a reason for refusal based on lack of parking for the part of the Victory Gospel Church that was to remain and the resultant problems of parking on Nutburn Road.

- 2.2 Since the committee, and in light of Members’ discussions, the Highways Officer has revisited the site and reviewed his comments. He is now of the opinion that the size of the reduced hall that would remain following the partial demolition would require 9 car parking spaces for the church use, on the basis of 1 car parking space per 10 square metres of open hall (there is no fixed seating in the building). On that basis and in view of the fact that some alternative use of the building could occur, without the need to apply for planning permission, which would be likely to result in more use during the normal working week the Highway Officer is now in agreement with the recommendation from Southern Area Planning Committee to Planning Control Committee that the application be refused on grounds of inadequate parking for the remaining building and the resultant on-street parking on Nutburn Road to the detriment of highway safety.

Ecology and public open space provision

- 2.3 Paragraph 8.18 of the original agenda report for this item indicated that in accordance with policy ESN22 and the adopted Supplementary Planning Document “Infrastructure & Developer Contributions (February 2009)” financial contributions are required towards public open space provision. Contributions would be used towards the delivery of the Green Spaces Strategy and improvements/enhancements to the existing provisions at the North Baddesley Recreation Ground. It went on to state that subject to no objection being raised by Natural England and the completion of this legal agreement the proposals are considered to be in line with the requirements of PPS9 and local plan policies ENV01, ENV02, ENV03, ENV04 and ESN22. Natural England has now responded to the consultation, raising the same matters for consideration as with previous applications and stating that they have no objection to the proposed development.
- 2.4 While Natural England has confirmed they have no objection, the S106 has not been completed to date. As such if Members wish to refuse the application an additional reason for refusal is required relating to the lack of a S106 securing the necessary financial contributions. If the S106 is completed prior to Planning Control Committee, Members will be updated at committee.

3.0 RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE

REFUSE for the reason:

1. **The proposed development would deprive the remaining adjacent community building, recently used as a place of worship, of adequate car parking provision and would result in on-street parking in Nutburn Road to the detriment of highway safety, contrary to policies TRA 02 and TRA 09 of the Test Valley Borough Local Plan 2006.**

4.0 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING

REFUSE for the reasons:

- 1. The proposed development would deprive the remaining adjacent community building, recently used as a place of worship, of adequate car parking provision and would result in on-street parking in Nutburn Road to the detriment of highway safety, contrary to policies TRA 02 and TRA 09 of the Test Valley Borough Local Plan 2006.**
 - 2. In the absence of a legal agreement to secure financial contributions towards off-site public open space, the proposed development would exacerbate deficiencies in the provision or quality of recreational open space in the locality; and fail to mitigate the impact of increased recreational pressure from the development on Baddesley Common SSSI and Emer Bog SAC. The development would therefore be contrary to guidance PPS9 “Biodiversity & Geological Conservation”, PPG17 “Planning for Open Space, Sport and Recreation”, Policies ENV01, ENV03, ENV04 and ESN22 of the Test Valley Borough Local Plan 2006 and the Infrastructure and Developer Contributions Supplementary Planning Document (2009).**
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APPENDIX A

Officer's Report to Southern Area Planning Committee – 21 February 2012

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| REGISTERED | 09.12.2011 |
| APPLICANT | Gale Homes Ltd |
| SITE | Victory Gospel Church, Nutburn Road, North Baddesley, NORTH BADDESLEY |
| PROPOSAL | Demolition of the existing building, and erection of 3 no detached dwellings |
| AMENDMENTS | Amended bat mitigation strategy – rec/d 31.1.12 |
| CASE OFFICER | Mrs Liz Harrison |

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 This application is presented to Southern Area Planning Committee as the application is, in the opinion of the Head of Planning and Building, one of significant local interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 This site is situated within the built-up area of North Baddesley to the north west of Nutburn Road and the north east of Street End. Existing residential development surrounds the site on all sides, with allotments located across Nutburn Road to the south east and a Site of Importance for Nature Conservation (SINC) located approximately 60m to the north west.

2.2 The overall church site is L shaped with a narrow road frontage fronting onto Nutburn Road. The side of the site is defined by Street End (a road serving a number of houses to the rear of the Nutburn Road frontage properties). The church site then returns to the north east at a right angle to Street End. It currently consists of a single storey, gospel church building which has been extended at the rear, but the principal part of the building is that of a gable ended, brick built building fronting onto Nutburn Road. The rear part of the site consists of a single storey rear addition to the principal building (which makes the building also follow an L shape) and an area of hard standing which is used for parking. Access to the existing site is off Street End.

3.0 PROPOSAL

3.1 The application is for the partial demolition of the existing church building so that the front section facing Nutburn Road is retained and the rear part of the site, which fronts Street End is redeveloped for the erection of 3 detached, 3-bed dwellings. All properties face, and are accessed from Street End.

The northern-most dwelling would have 2 parking spaces in front of it, while the other 2 properties each have driveways leading to a single garage, with room for the parking of at least 2 cars and turning space on site.

- 3.2 The application is accompanied by a Design & Access Statement; a Planning Statement & Appendices that indicates 63 community groups were contacted about the sale of the property; a Bat Survey and a Valuation Report.

4.0 **HISTORY**

- 4.1 TVS.02821 – Erection of Pastor’s House – granted 31.3.80.

TVS.02821/1 – Rear extension to include Church Hall and formation of car park – granted 7.4.82.

TVS.5114 – Change of use to offices – refused 15.10.86.

TVS.02821/2 – Siting of static caravan for use as Sunday School classroom – refused 5.10.92.

TVS.02821/3 – Provision of disabled toilet and new storeroom – granted 12.5.05.

09/01538/FULLS – Demolish existing building and erection of four detached three bedroom dwellings with associated works – withdrawn.

10/02455/FULLS – Demolition of the existing building and erection of one detached dwelling – refused 24.12.10.

10/02448/FULLS – Demolition of the existing building and erection of four dwellings, comprising two pairs of semi-detached dwellings – refused 24.12.10.

11/00917/FULLS – Demolition of the existing building and erection of one detached dwelling – refused 8.9.11.

11/00918/FULLS - Demolition of the existing building and erection of four dwellings, comprising two pairs of semi-detached dwellings – refused 8.9.11.

5.0 **CONSULTATIONS**

- 5.1 **Policy** – No objection subject to a S106 to secure a financial contribution towards public open space. The principle of residential development in this location has previously been considered as part of application 11/00918/FULLS. Details have been submitted with this application setting out that local community groups have been contacted about the potential of purchasing the site using a price based on a valuation exercise for the property. There have been no offers at the price offered. On the basis of the information submitted and previous consideration of 11/00918/FULLS, there is no objection to the principle of the proposal in relation to policy ESN19 (Retention of Local Community Facilities).

5.2 **Highways** – No objection subject to conditions re: use of non-migratory material and provision of parking prior to occupation. The proposal is likely to generate fewer multi-modal trips than the existing use. Therefore no transport contribution is required.

5.3 **HCC Ecology**

Original bat survey and mitigation report – Confident the survey report is acceptable, however the design of the development has evolved since the bat mitigation plan was drawn up. A revised mitigation plan with respect to the bat roost designs is required.

Amended bat mitigation strategy – comments awaited.

5.4 **Natural England** – No response at time of writing.

5.5 **Hampshire Wildlife Trust** – No response at time of writing.

6.0 **REPRESENTATIONS** Expired 21.02.2012

6.1 **North Baddesley Parish Council** – Objection on the following grounds:

- The location plan and block plan show the remaining church as different sizes.
- The EA flood map has the arrow pointing to the wrong place.
- The Valuation Report No 12 Development Issues is from a previous application, therefore No 13.2 Development Value is based on incorrect information.
- Biodiversity checklist section 1aQa is answered incorrectly. The site is only 750m from a SAC (Emer Bog) and 65m from SINC (Nutburn Meadows)
- Remaining church building will not have sufficient car parking for a community building of its size.
- Supporting statements do not mention portion of church remaining. Also say there would be a reduction in overspill parking along Nutburn Road during services but developing the site without allowing for parking for remaining church would not reduce overspill but increase it.
- Bat survey is from a previous application and has not been updated for this application.

6.2 **24 letters of objection from 1, 5, 9 (Rose Cottage), 10, 12 (New Bungalow) Street End; The Laurels and Lavender Cottage, Nutburn Road; Arish Mell, Sandy Lane; True Life Church, 7 and 41 Brownhill Road; 10 Broad Lane; 12 Sylvan Drive; 4 and 7 Baddesley Close; The Birch, Lyndhurst Road, Landford; 15 Briarwood Road, Totton; 5 Ravenscroft Way, Botley; 8 Oakland Close, Walderslade, Chatham**

History of the site ownership/church

- William Smith gave land and original building in 1887 to be used in perpetuity as a place of Christian worship. Stated in his will that it should never be sold. A restrictive covenant preventing the building being used for any other purpose. Wish of all Smith Family for it to remain for purpose it was built.

- Understood a covenant requires a descendant from the family to give permission before any change to its donated use can be made. There are still family members living in North Baddesley.
- To best of our knowledge, part of land in question was proved to be unregistered.
- As buildings and land were financed by donations from descendants and village residents, it can't be owned by an individual and can't be sold for development purposes. Is morally and ethically unacceptable to demolish it for monetary gain by the Victory Gospel Church, whose ownership has not been proven.
- Victory Gospel Church congregation had privilege of free use of church for over 20 years but have moved to new premises in Southampton and are no longer using building as place of Christian worship.
- Church has been important part of village, with at one time approx. 100 children attending Sunday School, plus women's and men's meetings, children's activities, Sunday services, etc.
- Should allow True Life Church (TLC) to have the building.

Loss of community facility

- Contrary to policy ESN19 as would result in loss of much needed community facility. Facilities are ideal for wider community use.
- Proposal will cut down the space for community use and the old part will be left with no toilets, kitchen, parking etc. No-one would purchase remainder of church building with no facilities.
- The valuation is part of the previous application and would not take into account the drastic alterations that would take place.
- Lack of offers to buy the premises does not prove that there is no need for community facilities, only that the selling price is prohibitive. May be more attractive if offered for rent.
- If approved a renewed attempt to find community groups to purchase remainder of building at reduced capital value should be made.
- TLC's activities include Community Life Centre, Rock Solid Youth Project, Footprints Youth Group and other more church focussed activities. TLC owns no property and rely on access to rented halls and are heavily constrained by availability, e.g. Junior School is not available during the day. Could extend activities if suitable premises available, this building could be put to good use. Would also make premises available for community use with no interest in financial gain. TLC not in a position to purchase the premises.
- Number of community groups without their own facilities would like to make use of the building.
- Contacting 63 organisations is not confirmation that other community groups may not be interested in using the premises.
- Moral objection to demolition of a useable and wanted place of worship.
- Improper for one charity to gain substantial financial advantage from the sale of the land donated for the purpose of worship and buildings mostly erected by hands and donations of members.

- As church was given to the community for purpose of worship they were not given as an asset to Victory Gospel Church, highly unlikely Charity Commission’s position is relevant.
- “Gifting” or selling at reduced rate the building to another Christian group would surely be “in furtherance of the objects of the charity”.
- Suggest church is transferred to another church to occupy and use premises on full repairing/insuring basis at a nominal rent. Church could be held in trust.

Proposed redevelopment

Design

- Application is badly designed and out of keeping as neighbouring properties on same side of Street End are single storey.
- While more spread out than previous scheme, the proposal is still overdevelopment. Dwellings are too close to neighbours.

Infrastructure

- Addition of garages increases number of actual car parking spaces – could park 10 cars.
- Previous applications for development elsewhere on Street End been rejected in part on grounds of increased level of traffic.
- Quote in planning statement that reduction in parking spaces from 30 to 6 “will act as a disincentive for car users” is misleading given change in use of land. Traffic patterns will be wildly different. Proposed residences would cause more traffic down Street End than existing 30 spaces.
- Detrimental impact from increase in traffic and reduced width in road where car park previously used to allow cars to pass. Congestion, risk of vehicles reversing back onto Nutburn Road, parking overflowing onto Nutburn Road.
- No parking available for present users of, or visitors to Street End. Should also have allowed for passing place.
- Proposed parking for remainder of building is very near to the junction with Nutburn Road and could be dangerous.
- Construction and associated vehicles will damage surface of road and block entrance/exit from road. Residents should be given at least 5 working days notice of any road closure, and safe pedestrian access should be provided at all times.
- Development should be required to include resurfacing of road.
- Road down to site is to be block paved, which should be discussed with all owners on Street End., as could cause flooding.
- Insufficient drainage capacity.
- No indication of how surface rain water will be disposed of. Lower part of Street End is already regularly flooded when rain is heavy, or in long periods of rain. Further building would add to this problem.
- Local drainage ditches have become filled in or are not properly cleared.

Residential amenities

- Loss of privacy and increase in noise.

- Lavender Cottage bound by L shaped walls of church given complete privacy, but proposal would result in overlooking of garden and conservatory, with increased noise and dust pollution.
- Plot 3 has been designed to be set back from Lavender Cottage but the drive and garage would create noise and side window would result in overlooking.
- Existing walls (approx. 2m) should be retained as boundary to Lavender Cottage or replaced with a wall not a 1.8m fence. Existing wall has become home to wildlife, e.g. toads. Bats also swoop down into garden.
- No. 12 Street End (New Bungalow) adjoins present car park but boundaries go beyond fence/garage line shown on plans. Developer should reach agreement with owner before any building takes place.

Partial demolition of existing church

- Partial demolition of building is devious way for developer to get permission by indicating oldest part is retained, then in future demolish it and get permission for a house as on previous plan.
- Appears retained building could be used for other purposes without need for permission. 2 parking spaces could be formed from front garden without permission, but would be inadequate and dangerous.

Ecology

- Revised Bat Mitigation Plan required.
- Submitted bat survey says building was not purpose built as a church, but it was. Says it is in a general state of disrepair but this entirely the fault of the congregation which surely has a duty to keep the property in a good state of repair.

7.0 **POLICY**

7.1 **Government Guidance:** PPS1 “Delivering Sustainable Development”, PPS3 “Housing”, PPS9 “Biodiversity & Geological Conservation”, PPG13 “Transport”, PPG17 “Planning for Open Space, Sport & Recreation”.

South East Plan: SP3 “Urban Focus & Urban Renaissance”, CC1 “Sustainable Development”, CC4 “Sustainable Design & Construction”, CC6 “Sustainable Communities and Character of the Environment”, CC7 “Infrastructure & Implementation”, CC8 “Green Infrastructure”, H4 “Type & Size of New Housing”, H5 “Housing Design & Density”, T4 “Parking”, NRM5 “Conservation & Improvement of Biodiversity”, BE1 “Management for an Urban Renaissance”, S6 “Community Infrastructure”.

Test Valley Borough Local Plan: SET01 “Housing within Settlements”, ENV01 “Biodiversity & Geological Conservation”, ENV03 “Sites of Scientific Interest”, ENV04 “Sites of Importance for Nature Conservation”, ENV05 “Protected Species”, ESN19 “Retention of Local Community Facilities”, ESN22 “Public Recreational Open Space Provision”, TRA01 “Travel Generating Development”, TRA02 “Parking Standards”, TRA04 “Financial Contributions to Transport Infrastructure”, TRA05 “Safe Access”, TRA06 “Safe Layouts”, TRA09 “Impact on the Highway Network”, DES02 “Settlement Character”, DES05 “Layout & Siting”, DES06 “Scale, Height & Massing”,

DES07 “Appearance, Details & Materials”, DES09 “Wildlife & Amenity Features”, DES10 “New Landscaping”, AME01 “Privacy & Private Open Space”, AME02 “Daylight & Sunlight”.

Draft Core Strategy & Development Management DPD – COM1 “Settlement Hierarchy”, COM12 “Community Services & Facilities”, COM13 “Provision of Infrastructure”, E1 “Creating & Retaining the Quality of Environment of the Borough”, E6 “Managing the Borough’s Biodiversity”, E7 “Water Management”, LHW1 “Provision of Public Open Space”, LHW4 “Amenity”, T1 “Managing Movement”, T2 “Parking Standards”.

Supplementary Planning Documents: Infrastructure & Developer Contributions (February 2009).

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on character of the area and design
- Impact on residential amenities
- Parking & highway safety
- Ecology and public open space provision.

Principle of Development

8.2 The site is located within the built-up area of North Baddesley where redevelopment of a site for housing is acceptable in principle provided it would not result in the loss of a site proposed or protected for other uses by policies or proposals in the local plan; and would be in keeping with the character of the surrounding area and would not prejudice the redevelopment of adjacent sites.

8.3 As stated above the site is currently occupied by the Victory Gospel Church and has been occupied by a church for over 100 years. This proposal is for the partial demolition of the church building and the redevelopment of the rear of the site, facing Street End, for 3 detached, 3-bed dwellings. While the remaining section of the church building is shown on the plans, works to it do not form part of this application and therefore do not form part of the considerations. Questions have been raised about the practicalities of the remaining building as with the current layout it would be left without any kitchen or toilet facilities and only space for 2 possible parking spaces. No other provision is made for replacement community facilities as part of the application.

8.4 Two previous applications for, in combination, the redevelopment of the entire church site were refused in September 2011 on design and residential amenity grounds (11/00917/FULLS and 11/00918/FULLS). However they were supported by documentation to explain that the Victory Gospel Church had outgrown their existing facility and to justify the loss of the community facility. No formal marketing exercise had been carried out but 63 community groups in the area were offered the site at a sale price of £285,000.

Estates were consulted on the applications and they considered that the valuation was reasonable. No local community organisation indicated they were interested in purchasing the property at the sale price. While there was interest/desire in the continued use of the building for community purposes, no-one indicated that they were able to fund the continued community use by purchasing the premises, such that its continued use is not in fact practical. While there was confirmation that at least one organisation (True Life Church) would wish to lease the premises, this would be only at a peppercorn rent. It was not considered reasonable within the requirements of local plan policy ESN19 to insist that a current owner retains the property indefinitely and rents it out to other interested parties, particularly when the only formal expression of interest is to rent it at a peppercorn rent. Consequently it was considered that the applications had provided sufficient justification to allow the loss of the existing community facility on site and its redevelopment would be in accordance with local plan policy ESN19.

- 8.5 The loss of the community facility was therefore accepted in September 2011. It is not considered that there has been a change in circumstances since then that warrants a different conclusion being reached. In any event the applicant has again contacted 63 community groups offering the premises for sale. Again the only formal response appears to have been a suggestion from True Life Church that they lease the premises at a nominal rent. The fact that some of the building is to remain under these proposals does not alter the previous decision that the redevelopment of the site for residential would be acceptable in principle.
- 8.6 The Council is aware that due to the history of the church, and that the land and building was given by William Smith and his will stated that it should be retained in perpetuity as a place of Christian worship, there is significant opposition to the Victory Gospel Church selling the site for financial gain. A number of residents have suggested that the land be transferred free of charge to another local church (True Life Church) or be retained in trust for the benefit of the local community. However the declaration in William Smith's will and the restrictive covenant preventing its use for any other purpose are not material planning considerations and are private legal matters that could be pursued outside of the planning system.

Impact on character of the area and design

- 8.7 As indicated above the site is surrounded by residential development, therefore the proposed redevelopment of this site for residential would be in keeping with the overall character of the area. North Baddesley has a wide variety of architectural styles and ages and therefore there is little uniformity with which to integrate. However, while minimum density requirements have recently been removed, PPS1, PPS3 and various development plan policies still require new development to be of good design that contributes positively to the character of its surrounding area. The previous application for the rear of the site proposed 4 dwellings and it was considered to result in a cramped, harsh layout that had insufficient space for new landscaping that would not be in keeping with the overall character of the surrounding built form.

- 8.8 The revised application has reduced the number of units on this part of the church site to 3 detached dwellings. This layout allows for more space within the development and between neighbouring properties. In addition the layout provides space for new landscaping to be provided, to create a softer environment more in keeping with the semi-rural nature of the surrounding area. Subject to some minor alterations to the brick detailing proposed the dwellings are considered to be of an appropriate design and scale, and with good quality materials and landscaping scheme could be in keeping with the character of the surrounding area. It is considered therefore that this proposal has overcome the previous concerns and is in accordance with local plan policies SET01, DES02, DES05, DES06, DES07 and DES10.

Impact on residential amenities

- 8.9 It is considered that this proposal has overcome the previous concerns about the impact on the amenities of the neighbouring properties. There remains sufficient separation distances between the proposed dwellings and the property to the north east known as Arborfield. The internal layout for the northern most dwelling is such that the 1st floor window nearest to the boundary with 11 Street End serves a bathroom (rather than a bedroom as previously proposed). If this is obscure glazed, as proposed, it is considered that the proposal would not result in a significantly detrimental loss of privacy for the neighbouring property as there would then be sufficient separation between the other 1st floor rear window serving a bedroom and 11 Street End.
- 8.10 Similarly the relationship with the southern most dwelling, now plot 3, and Hazelbury Cottage is improved by pulling the proposed dwelling off the southern boundary. In addition, the handing of the internal layout such that the nearest 1st floor window to the southern boundary serves the bathroom, ensures that there would be no significant loss of privacy for the occupiers of Hazelbury Cottage.
- 8.11 Pulling the proposed dwelling on plot 3 off the southern boundary of the site also improves the relationship with Lavender Cottage, as the 2 storey element is over 3m from the communal boundary. A single, attached garage is now shown on the southern boundary however it is considered that it would not be overbearing on Lavender Cottage as it is only a single storey structure and only extends along approximately half the width of the garden. The owners of Lavender Cottage have objected to the proposed 1.8m fence on the southern boundary of the site. They would prefer to see the existing wall retained to a height of 2m or a new 2m high boundary wall erected to retain their existing privacy and provide a barrier against the noise and dust from the neighbouring site. This could be secured via condition.
- 8.12 1st floor windows are proposed on both side elevations for each dwelling, with one serving a landing and one serving an en-suite. The plans show a landing window looking towards 12 Street End and Lavender Cottage. As currently proposed this could result in an undue loss of privacy for the existing

dwellings. However a condition could be attached to any permission to ensure that these landing windows are obscure glazed and fixed, with the exception of a top hung panel which could be openable to allow for natural ventilation. Similar restrictions could be applied to the other en-suite and bathroom windows to ensure they are obscure glazed as indicated on the plans.

8.13 It is also considered that there would not be any significantly detrimental overshadowing or loss of light for neighbouring properties. Similarly, while the proposed dwellings would cause some overshadowing of each others gardens it is not considered that this would be unreasonable as sufficient parts of each garden would remain unaffected for a number of hours a day.

8.14 The proposals are therefore considered to be in accordance with local plan policies AME01 and AME02.

Parking & highway safety

8.15 All proposed dwellings are 3-bed properties requiring 2 on-site car parking spaces. For the northern most dwelling, plot 1, this is provided in front of the property, the other 2 dwellings are each provided with a drive leading to a single garage and with turning space to enable them to leave the site in a forward gear.

8.16 A number of objections have been raised on the grounds that the proposal does not allow for any space for passing cars and does not provide for visitor parking. The proposals meet the required parking standards for the proposed development and the scheme is not required to address existing problems associated with general levels of car ownership in the area. While people may use the church car park as overspill parking it is not reasonable to ask this applicant to provide additional parking for local residents use. The comments regarding the width of the road are noted, but Highways were consulted on the application and have not raised an objection, subject to conditions being attached to any permission granted. Given the previous church use of the site it is considered that there would be a reduction in traffic generation associated with the site. As such there is no requirement for a financial contribution towards improvements to the local transport infrastructure.

Ecology and public open space provision

8.17 The application site is located within close proximity of habitats that form part of Baddesley Common Site of Special Scientific Interest (SSSI), which is part of Emer Bog Special Area of Conservation (SAC). Natural England have previously raised concerns that increased recreational pressure from new housing schemes in proximity to Baddesley Common SSSI and Emer Bog SAC may have a likely significant effect, either alone or in combination with other plans or projects, on the designated sites. While they have not yet responded to the current application, in considering previous applications for more dwellings on this site they raised no objection but suggested that the

Council consider securing financial contributions towards short and long term green infrastructure facilities to provide alternative recreational areas in the local area. In accordance with policy ESN22 and the adopted Supplementary Planning Document “Infrastructure & Developer Contributions (February 2009)” financial contributions are required, via S106 legal agreement, towards the delivery of the Green Spaces Strategy and improvements/enhancements to the existing provisions at the North Baddesley Recreation Ground, were permission to be granted. Subject to no objection being raised by Natural England and the completion of this legal agreement the proposals are considered to be in line with the requirements of PPS9 and local plan policies ENV01, ENV02, ENV03, ENV04 and ESN22.

8.18 The bat survey submitted with the application relates to the previous proposals for this site submitted under 11/00917/FULLS and 11/00918/FULLS. While the bat survey is considered to be acceptable, the bat mitigation strategy needs to be updated to reflect the current proposal. A revised document has been submitted and has been consulted on. Members will be updated on consultation responses at committee. If an appropriate mitigation strategy has now been drawn up it should be possible to conclude, as was the case previously, that the proposed development would not have a detrimental impact on the bats.

9.0 **CONCLUSION**

9.1 Subject to the revised bat mitigation strategy being acceptable and the S106 legal agreement to secure financial contributions towards public open space being completed then the proposed development is considered to be acceptable. The proposed layout allows for sufficient space around the buildings for the provision of parking and new landscaping and to ensure that there is no significantly detrimental loss of privacy for neighbouring properties. Similarly the design and scale of the proposed dwellings is considered to be in keeping with the character of the area.

10.0 **RECOMMENDATION**

Delegate to the Head of Planning & Building that subject to:

- **the satisfactory completion of consultations on the bat mitigation strategy and any resultant additional planning conditions; and**
- **the completion of the legal agreement to secure financial contributions towards public open space provision**

then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **No development shall take place until samples and details of the materials to be used in the construction of all external surfaces 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.**

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.

- 3. No development shall take place until full details of hard and soft landscape works including planting plans; written specifications (stating cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme has been submitted to and approved in writing by the Local Planning Authority. These details shall also include; proposed finished levels or contours; means of enclosure and hard surfacing materials (where appropriate). The landscape works shall be carried out in accordance with the implementation programme.**

Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

- 4. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.**

Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policy DES10.

- 5. The 1st floor bathroom, en-suite bathroom to bedroom 1 and landing windows on each plot in the development hereby permitted shall be fitted with obscured glazing and any opening part shall be top hung only, and thereafter retained as such.**

Reason: To protect the amenity and privacy of the adjoining occupiers in accordance with Test Valley Borough Local Plan 2006 policy AME01.

- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no 1st floor windows/dormer windows [other than those expressly authorised by this permission] shall be constructed.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policy AME01.

- 7. The development shall not be occupied until space has been laid out and provided for the parking of vehicles in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**
Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.
- 8. Notwithstanding the details submitted, 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 south eastern boundary for plot 3 shall be demarcated by a 2m high brick wall. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.**
Reason: To ensure that the works undertaken maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Local Plan 2006 policies DES10 and AME01.
- 9. The new end wall to the retained building, as shown on drawing 09:038:25 “Proposed Modifications to Gospel Church” shall be erected and completed prior to the first occupancy of any of the dwellings hereby permitted.**
Reason: To ensure that the works undertaken maintain the appearance of the site and in the interest of the local amenities in accordance with Test Valley Borough Local Plan 2006 policies DES02, DES07 and AME01.

Notes to applicant:

- 1. The following policies in the Development Plans are relevant to this decision: South East Plan – Policies SP3, CC1, CC4, CC6, CC7, CC8, H4, H5, T4, NRM5, BE1, S6, and Test Valley Borough Local Plan 2006 – Policies SET01, ENV01, ENV03, ENV04, ENV05, ESN19, ESN22, TRA01, TRA02, TRA04, TRA05, TRA06, TRA09, DES02, DES05, DES06, DES07, DES09, DES10, AME01, AME02.**
- 2. The decision to grant planning permission has been taken because the proposed layout allows for sufficient space around the buildings for the provision of parking and new landscaping and to ensure that there is no significantly detrimental loss of privacy for neighbouring properties. Similarly the design and scale of the proposed dwellings is considered to be in keeping with the character of the area. This informative is only intended as a summary of the reason for grant of planning permission. For further details on the decision please see the application report which is available from the Planning and Building Service.**
- 3. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to,**

and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

- 4. Attention is drawn to the requirements of the Agreement dated under Section 106 of the Town and Country Planning Act 1990 which affects this development.**
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APPENDIX B

Update Report to Southern Area Planning Committee – 21 February 2012

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|------------------------|---|
| APPLICATION NO. | 11/02718/FULLS |
| SITE | Victory Gospel Church, Nutburn Road, North Baddesley, NORTH BADDESLEY |
| ITEM NO. | 8 |
| PAGE NO. | 41 – 61 |

1.0 AMENDMENTS

1.1 Amended Plans received 10.2.12.

2.0 CONSULTATIONS/REPRESENTATIONS

2.1 Response to amended Bat Survey:

Parish Council As previous comments.

3.0 PLANNING CONSIDERATIONS

3.1 Amended plans have been submitted that satisfactorily alters the brick detailing on the proposed dwellings, as referred to in paragraph 8.8 of the main agenda report. An extract of the amended detail is attached to this update sheet for your information.

4.0 AMENDED RECOMMENDATION

Delegate to the Head of Planning & Building that subject to:

- **the satisfactory completion of consultations on the bat mitigation strategy and any resultant additional planning conditions; and**
- **the completion of the legal agreement to secure financial contributions towards public open space provision**

then PERMISSION subject to conditions & notes as listed in the main agenda report plus

10. At least the first 4.5 metres of the access track measured from the nearside edge of the carriageway of Nutburn Road shall be surfaced in a non-migratory material prior to the first occupation of any of the dwellings hereby permitted and retained as such at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05 and TRA09.

