WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No:	03
Address:	Jhansi Farm, Winchester Road, Waltham Chase, Hampshire, SO32 2LL
Parish/Ward	Shedfield
Proposal Description:	Relief from condition 6 of permission W08940/04, to allow business use of premises
Applicants Name	Jags Partners LLP
Case No:	05/02008/FUL
W No:	W08940/07
Case Officer:	Mr David Cunningham
Date Valid:	10 August 2005
Delegated or Committee:	Committee Decision
Reason for Committee:	Parish Council submitted representations contrary to officer recommendation
Reason for Committee:	4 or more representations contrary to the Officer's recommendations have been received
Site Factors:	Civil Aviation Tree Preservation Order Village Green - HCC

Site Description

- Detached concrete block building set back from Clewers Lane, with grassed area to west of building, accessed through 5 bar gate.
- Area has previously been used for market garden and for repair of garden machinery (previous permission ref: W08940/04), but is now empty.
- This previous use was essentially a low-key B2 (General Industry) use due to the associated noises and smells linked to the testing of petrol mowers
- Area to the east, which is overgrown along the building, has a concrete drive leading to the rear of the building.
- Residential dwellings opposite the site and garden area of Jhansi Farm visible from the east of the proposal site.
- There are some hedgerow and trees along the boundaries

Relevant Planning History

- W08940 - 36 dwellings and garages, roads and footways *(Application Refused 24/01/86)*
- W08940/01 - 23 houses and 6 bungalows, roads and footways *(Application Refused 26/11/86 – Appeal later dismissed)*
- W08940/02 - Change of use to garden centre and sale of animal feeds *(Application Permitted 19/11/91)*
- W08940/03 - Change of use of building A for the repair and servicing of grass care machinery with ancillary sales and associated parking *(Application Withdrawn 10/04/01)*
- W08940/04 - Change of use of building from garden centre and sale of animal feeds to repair of garden machinery *(Application Permitted 27/06/01)*
- W08940/05 – Single storey side and rear extension to replace existing annexe and store at Jhansi Farmhouse *(Application Permitted 31/05/05)*
- W08940/06 – Relief from condition no. 6 of permission W08940/04 to allow use of the premises for the storage and distribution of goods (class B8) *(Application Refused 25/08/05)*

Proposal

- As per proposal description

Consultations

<u>Engineers:Highways:</u>
- No objections

<u>Environmental Health:</u>
- No adverse comments to make on the application

Representations:

Shedfield Parish Council
- Object on the grounds that the road is not suitable for commercial traffic, this is not a rural activity and there are inadequate site lines in and out of the building

Letters of representations have been received from 6 Neighbours
- Potential adverse impact on highway safety and local amenity
- An increase in the size or number of commercial vehicles using Clewers Lane has the potential to increase the risk of road users (pedestrian, equestrian and motorists)
- Operating a business of this nature would result in a considerable rise in traffic medium/heavy goods vehicles in Clewers Lane, which can barely cope with the current traffic levels
- Condition 02 of the existing planning permission restricts the use of machinery to certain times to protect the amenities of nearby properties. If this was valid in 2001, then what would be the reason for not protecting the amenities of occupiers in 2005?
- Business Use would damage the character of the area by way of increased noise and traffic

Relevant Planning Policy:

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

Winchester District Local Plan
- EN5, EN15, C1, C2, C4, C13

Winchester District Local Plan Review Deposit and Revised Deposit:
- DP3, DP14, C1, C3, C16

Supplementary Planning Guidance:
- None

National Planning Policy Guidance/Statements:
- PPS 1 Delivering Sustainable Development
- PPG 4 Industrial and Commercial Development by Small Firms
- PPS 7 Sustainable Development in Rural Areas.
- PPG 13 Transport
- PPG 24 Planning and Noise

Planning Considerations

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area
- Residential amenities
- Highways

Principle of development

- The proposal is to provide relief from condition no. 6 of permission W08940/04, to allow business use of the premises (Class B1)
- Any proposed B1 use will be entirely speculative and thus the likely impacts are unknown
- The current Condition 6 restricts any B1, B2 and B8 use, resulting in any prospective tenant having to make a change of use application to carry out a particular business
- This is contrary to PPS7, policy C13 of the adopted Local Plan and policy C16 of the Local Plan Review which encourages the re-use of agricultural buildings in the countryside for commercial purposes
- The Local Planning Authority were previously minded to support a B2 use (repair of garden machinery), albeit a 'low-key' B2 use, so there is no reason why less intensive B1 uses should not be allowed and be restricted by way of appropriate conditions
- The applicant has noted that a change from B2 to B1 can be achieved by way of Permitted Development for buildings of less than 235m^2 (this building is approximately 160m^2), however condition 6 of W08940/04 takes away this right to prospective tenants

Impact on character of area

- The site's inclusion in the Local Gap is a key planning consideration in the assessment of this application
- To safeguard the openness of the gap as well as protect the amenity of nearby neighbours, a condition has been imposed to ensure that the activity takes places within the confines of the building
- The building's small size, combined with the limited parking area available, will help ensure that any B1 use that wishes to use the site will be relatively low-scale in its nature

Residential amenities

- The objections raised by surrounding residents are duly noted, however it must be stressed that a condition has been imposed to ensure that only B1 uses can be carried out within the confines of the building
- A further condition has been imposed to restrict the hours of operation from 8am to 6pm Monday to Friday and from 8am to 1pm on Saturdays – these hours are consistent with the previous garden machinery repair use

Highways

- The highway officer has assessed the application and has raised no objection
- The exact impacts in highway terms are unknown, however as previously mentioned the size of the building, combined with small parking area, will help mitigate any highway impact
- The highway officer advised that were it not for the current restriction outlined in condition 6, the building could be used for B1 uses without the benefit of planning permission pursuant to Schedule 2, Part 3, Class B of the General Permitted Development Order
- For this reason, it would be difficult to substantiate a highway objection as the use will be, in planning terms, less intensive than the previous B2 use
- It should also be highlighted that the main B2177 is only 85 metres from the site entrance and involves having to pass by only 3 dwellings along the southern side of Clewers Lane
- It is likely most of the traffic coming to and from the site will not use the western side of Clewers Lane where the majority of the residential dwellings are located

Recommendation

APPROVE – subject to the following condition(s):

Conditions/Reasons

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

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

02 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2005 (or any order revoking and re-enacting that Order with our without modification), the development hereby permitted shall be used only for purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order with or without modification) and for no other purpose(s).

Reason: To restrict the use of the premises in the interests of highway safety and local amenity.

03 The business (B1) use hereby permitted shall not take place anywhere on the site except within the confines of the building.

Reason: To protect the amenities of occupiers of nearby properties and to safeguard the openness of the Local Gap

04 No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site other than between the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of occupiers of nearby premises from unreasonable noise levels.

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting the Order with or without modification), no further plant or machinery shall be erected on site, under or in accordance with Part 8 of Schedule 2 to that Order without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the locality.

06 Before the development hereby approved is first commenced details shall be submitted to and approved in writing by the Local Planning Authority for the provision of a minimum of 7 car parking spaces within the curtilage of the site. The parking provision shall be carried out in accordance with the approved details and thereafter maintained and kept available.

Reason: To ensure adequate car parking provision within the site in accordance with the standards of the Local Planning Authority.

Informatives

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, 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.

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

Hampshire County Structure Plan Review: UB3, C1, C2
Winchester District Local Plan Proposals: EN5, EN15, C1, C2, C4, C13
Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP3, DP14, C1, C3, C16