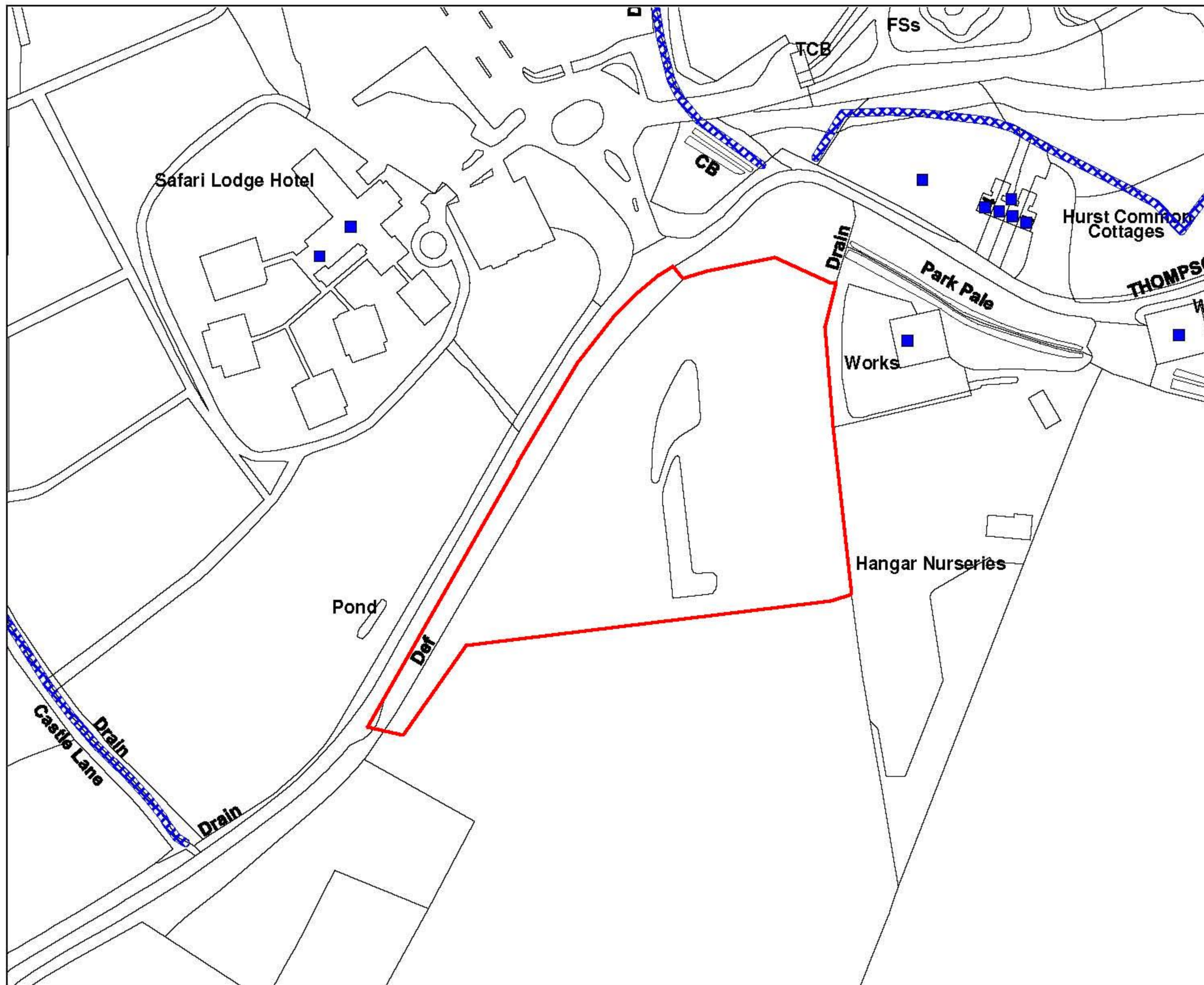


# Humbees of Marwell, Owslebury

08/02949/FUL



**Winchester**  
City Council



## Legend

**Scale:** 1:2500



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<b>Organisation</b>	Winchester City Council
<b>Department</b>	Development Services
<b>Comments</b>	
<b>Date</b>	13 May 2009
<b>SLA Number</b>	00018301

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Item No:** 3  
**Case No:** 08/02949/FUL / W08993/10  
**Proposal Description:** Alterations and extension to plant centre, parking and new access (Resubmission)  
**Address:** Humbees Of Marwell Hangar Nurseries Thompsons Lane  
Owslebury Winchester  
**Parish/Ward:** Owslebury  
**Applicants Name:** Humbees Of Marwell  
**Case Officer:** Mrs Julie Pinnock  
**Date Valid:** 21 January 2009  
**Recommendation:** Application Permitted

**General Comments**

This application is reported to Committee because the applicant is a Winchester City Councillor.

This application is a re-submission of an earlier application (ref: 08/01041/FUL) which was withdrawn following an officer recommendation for refusal to be considered at the Development Control Planning Committee on 1<sup>st</sup> October 2008. The reasons for recommending refusal in that Committee report were:

1. The proposal is contrary to national policy in PPS6 and PPS7 and Policy CE.16 of the Winchester District Local Plan (Review), in that the proposed retail sales area with café would result in an unsustainable form of development outside a recognised settlement boundary, to the detriment of the vitality and viability of existing centres. The applicant has not demonstrated, through a sequential approach, that the proposal is acceptable in this location.
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 Policy T5 of the Hampshire County Structure Plan Review and Policies T.1, T.2, T.3, T.4 and T.5 of the Winchester District Local Plan (Review).
3. The proposal is contrary to Policy DP.9 of the Winchester District Local Plan Review, in that it fails to make adequate provision for improvements to transport and the highway network in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.
4. Inadequate visibility splays are provided at the junction of the access(es) with the highway and this would cause danger and inconvenience to users of the adjoining highway.
5. The proposal is contrary to Policies DP.1, DP.3 and DP.4 of the Winchester District

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Local Plan Review, in that there is no Arboricultural Impact Assessment and Method Statement relating to existing trees at the site. Without this information, the Local Planning Authority is not satisfied that the trees can be retained as part of the development, and their loss would be harmful to the visual amenity of the area.

This application seeks to overcome these reasons for refusal and, since the submission of this application, amended plans have been submitted which show how the proposed building will be organised internally, with a clear distinction between the café and toilets, the display of garden related goods and the display of house plants and other items produced in the nursery; the till areas, and the staff and office facilities.

### **Site Description**

Humbees (part of a larger site known as Hangar Nurseries) is situated in the countryside and comprises a horticultural use for the production of plants, with planning permission for ancillary retail sales for an area not to exceed 100sq.m. and with the sale of retail stock limited to plants and associated ancillary items, including pots and compost.

The site is situated on the east side of Thompsons Lane, and comprises a series of polytunnels used to protect non-hardy plants, and a shaded standing-out area.

There are currently two vehicular accesses from Thompsons Lane, one to the south west and one to the north east.

The western boundary, adjacent to Thompsons Lane, has a mature belt of trees on the highway verge, with a ditch between the trees and the application site. There is a change in levels within the site between the car park area and the buildings.

The application site is approximately 1.5 hectares, with the existing polytunnels in two blocks with a combined floor area of approx. 2208 sq.m.

To the north west of the site is the vehicular access to Marwell Zoo and the Safari Lodge Hotel. To the east of the site is Hangar Nurseries, in the same ownership as the application site, which comprises a series of polytunnels and a residential dwelling which is tied by a condition to ensure occupation by an agricultural worker.

### **Proposal**

The proposal is to add a building of 840 sq.m. in front of the existing polytunnels to provide a customer coffee shop with kitchen, staff and customer toilets, two office areas, and a display area for the sale of non-nursery goods and a till area, and the largest area will be for the display of house plants and items produced in the nursery.

The main existing vehicular access to the south of the site is proposed to be retained, but used as a goods entrance only. The access to the north east is proposed to be closed, and a new vehicular access is proposed more centrally, which will access the existing gravel unmarked car park, which is to be more formally laid out to provide 129 car parking spaces and 5 disabled spaces.

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

### Relevant Planning History

**93/00817/OLD** - Agricultural workers dwelling - Permitted - 15/06/1993.

Condition 2 of this permission restricted the occupation of the dwelling to a person employed, or last employed, in agriculture.

**00/02810/OLD** - (Amended description) 3 polytunnels, 1 glass house/propagation area, potting shed and two covered shaded areas, landscaping and new access - Permitted - 02/06/1999.

Condition 10 of this permission restricted the use of these buildings to agricultural purposes only, and that no products are sold to the public on the site.

**01/01443/FUL** - Removal of Condition 10 of Planning Permission 00/02810/OLD (The development hereby permitted shall be used for agricultural purposes only and at no time may any products be sold to the public on the site) - Permitted - 23/10/2001.

Conditions 2 and 3 of this planning permission restricted the size and location of the retail sales areas, and the type of goods which could be sold. The full wording of these conditions is as follows:-

2. Retail sales and displays shall take place only within the land edged green on the approved plans and not on any other area of the land edged red or blue on the approved plans. The retail sales area shall not exceed 100 square metres. All retail stock, other than nursery plants, must be stored only within the land edged green on the approved plans.

Reason: To define the terms of the permission and to ensure that retail sales remain ancillary to the agricultural use of the land.

3. All retail stock shall be restricted to plants and associated ancillary items, including pots and compost.

Reason: To ensure that retail sales remain ancillary to the nursery operation on the site and to prevent the establishment of a general retail use on the site.

**08/01041/FUL** - Alterations and extension to plant centre, parking and new access - Withdrawn - 01/10/2008.

### Consultations

Engineers: Drainage:

No objection – Recommends conditions to require a drainage strategy for the car park if a new hard surface is proposed, and requires details of the proposed watercourse crossing.

Engineers: Highway:

Has raised a concern over the proposed access, in terms of whether the required visibility splays can be achieved without the removal of existing trees and hedgerows. He raises no objection to the use of the proposed access to serve this development, provided that the surface for 15m from the edge of the highway is finished with a non-migratory surfacing material.

Historic Environment Officer : Archaeology:

No objection - Advises that the site lies immediately adjacent to the site of a medieval park pale boundary (deer park boundary), this section being designated a Scheduled

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Monument. The building and new access are proposed at a significant distance south west of the scheduled area and therefore the officer does not consider that the proposal will have an adverse effect upon the setting of the Scheduled Monument. However, the officer does recommend consultation with English Heritage.

Landscape:

No objection. Recommends a condition to require a scheme for landscaping to be submitted prior to the commencement of development (Condition 3).

Strategic Planning (Policy):

Advises that Policy SF.1, and paragraphs 8.31-8.34 apply, as well as PPS6

English Heritage:

Does not wish to comment. Recommends the application be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Hampshire County Council (Arboriculture):

Objects to the removal of trees along the road frontage.

## Representations

Owslebury Parish Council: No objection

The Parish Council suggests conditions to restrict opening to normal day to day hours (Condition 9) and that an alcohol licence is not granted.

No other representations received.

## Relevant Planning Policy

South East Plan:

C4, T4

Hampshire County Structure Plan Review:

T5

Winchester District Local Plan Review

SF.1, SF.6, DP.1, DP.3, DP.4, DP.9, CE.5, CE.13, CE.16, T.1, T.2, T.3, T.4, T.5

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 6 Planning for Town Centres

PPS 7 Sustainable Development in Rural Areas

PPG 13 Transport

PPG 16 Archaeology and Planning

## Planning Considerations

Principle of development

The site is situated within the countryside. Countryside policies of the Local Plan make no provision for general retail uses, with a presumption against such uses in an unsustainable location. Policy SF.1 and paragraphs 8.31 to 8.34 of the Town Centres, Shopping and Facilities policy of the Local Plan deal with retail uses.

Policy SF.1 requires retail uses to be located within defined town or village centres. Edge of centre, district centre or local centre sites will be permitted where a need is demonstrated. It also advises that development of out-of-centre sites will only be permitted where a need is demonstrated and no suitable alternative sites are available.

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Such proposals are required to (a) adopt a format, design and scale of development appropriate to local circumstances and the need identified; (b) avoid adverse impacts on the vitality and viability of existing defined centres and to the development plan strategy; (c) avoid detrimental effects on overall travel patterns and car use and be readily accessible by public transport, cycle or on foot.

Paragraphs 8.31 – 8.34 advise that shops and retail uses should follow the sequential approach, although they do acknowledge that it may be desirable to allow farm shops, provided their function is principally to sell goods produced on the holding. They also comment that, if the proposal is small scale and required only to meet a rural need, then it may be acceptable. In making this assessment, they advise to have regard to the potential impact on nearby village shops, the volume of traffic likely to be generated, and access and parking arrangements.

In assessing the previously withdrawn proposal, one of the proposed reasons for refusal related to the lack of a sequential approach, as required by paragraph 3.29 of PPS6. The amended proposal has been revised, and the retail sales areas are below the threshold of 200 sq.m., which addresses this reason for refusal.

The new building has a floor area of 840 sq.m. The floor areas of the customer coffee shop, kitchen, customer toilets, the area for the display of garden related goods and the till area have a combined area of 400sq.m., which equates to 47% of the building as a whole, with the remainder being used for ancillary purposes in connection with the existing enterprise at the site for horticultural purposes, including the display of plant and other items for sale produced on the holding.

The principal of some related sales and a customer coffee shop to support the primary use of this site for horticulture, accords with Policy SF.1 and paragraphs 8.31 - 8.34, subject to appropriately worded conditions to ensure that the retail element is limited to horticultural associated products, i.e. tools, equipment and materials associated with domestic gardening, and that the customer coffee shop is used incidental to the use of the site, and not operated as an independent stand alone facility.

In the light of the additional information provided and revisions made to the proposal regarding the extent of the retail sales area (unrelated goods) and coffee shop, it is considered that the development is now acceptable in principle and conditions are proposed to control these elements of development (Conditions 6 and 7).

Impact on character of area and neighbouring property

The proposed building measures 20m by 42m with a series of pitched roofs to a maximum ridge height of 5.5m.

The building will be visible in longer views to the south along the B3047 Main Road, from where you will see the side elevation, a series of pitched roofs adjacent to the existing polytunnels.

The building will be visible in passing views along Thompsons Lane to the west and the north, as Thompsons Lane curves to the east past the site. The building is large, although it will be seen against the existing polytunnels, and is at a lower level than the car park area.

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

To the east of the site is Hanger Nursery, and the tied agricultural workers dwelling, both of which are within the applicant's ownership. The proposed building is screened from the east by the existing polytunnels.

It is not considered that the proposal adversely impacts on the character of the area or adversely affects the amenity of neighbouring properties and the Landscape Officer has raised no objection to the scheme.

Landscape/Trees

The site has dense trees and a hedge screening along the western and southern boundaries. The Landscape Architect has noted that soft landscaping is proposed to the car park area and that there are also gaps in the western tree belt which could be infilled with native tree planting, and suggests a landscape condition to deal with this. The trees along the western boundary fall outside the ownership of the applicant, and are situated on highway land. In order to facilitate the new access, the proposal requires the removal of some trees, to which Hampshire County Councils Arboricultural Officer has raised an objection. This element of the proposal could only go ahead with the permission of the landowner.

The existing access is acceptable and can serve the proposed development, without any further changes to the landscaping along Thompsons Lane. The proposed access is, in principle, acceptable with regard to the loss of vegetation and tree removal required, although it is not essential to the proposed scheme from a planning point of view.

Highways/Parking

The site has a large informal parking area to the front of the existing polytunnels, and the proposal seeks to formalise the parking in this area by providing marked-out parking bays and disabled parking.

The Highways Engineer has no objection to the principle of a new access. However, he has raised a concern regarding the ability to achieve the required visibility splays at the junction without the removal of trees and hedgerows and, as detailed above, there is an objection from the Arboricultural Officer at Hampshire County Council regarding the removal of trees.

Therefore, consideration has been given to the use of the existing access, which is the fall-back position for the applicant. The Highways Engineer is satisfied that the existing access could accommodate the increased traffic that this proposal would generate. He does require the surface to be finished with a non-migratory material (the car park surface is currently gravel) for 15m from the highway.

A condition is suggested to ensure that the proposed access is not used until adequate visibility splays have been provided at the junction with Thompsons Lane (Condition 10).

**Recommendation**

Application Permitted subject to the following conditions:

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

**Conditions**

1. The development hereby permitted shall be begun before the expiration of three 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).

2. No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building 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 that the development presents a satisfactory appearance in the interests of the amenities of the area.

3. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If, within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

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

4. Prior to any works commencing on the new access proposed, an Arboricultural Impact Appraisal and Method Statement, including details of tree protection measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and thereafter retained.

Reason: To ensure the protection of trees which are to be retained, which contribute to the rural character of the area.

5. Details of the materials proposed for the surfacing of the car park shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained. If the surface treatment proposes a non-permeable material, then a drainage strategy must be submitted to include details of where the surface water will go. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure the satisfactory visual appearance of the car park, and to ensure appropriate surface water disposal.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, 2008, or any order re-enacting that Order, with or without modification, the sale and display of garden related goods shall be contained within the areas marked red on the approved drawing no. 0306/P/10 C received 20th April 2009, and retail stock shall be



WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

limited to the sale of: plants and trees, seeds, compost, fertilizer, pots, and gardening tools. The premises shall not be used for any other purposes within Class A1 of the Schedule to that Order without the prior written approval of the Local Planning Authority.

Reason: To ensure that retail sales remain ancillary to the horticultural operation on the site and to prevent the establishment of a general retail use on the site.

7. The coffee shop hereby permitted shall only be used incidentally to the primary use of the site for horticultural and related sales and shall at no time be opened as an independent unit.

Reason: To ensure that the coffee shop remains ancillary to the primary use at the use and to accord with the policies of the Local Plan, which seeks to promote such facilities and services in sustainable locations.

8. No floodlighting, whether free standing or affixed to an existing structure, shall be provided on the site at any time.

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

9. The use hereby permitted shall be open to customers only within the following hours : 0800 to 1900 Monday to Saturday and 1000 to 1700 Sundays and Bank Holidays.

Reason: To protect the amenities of the occupiers of nearby properties.

10. No works shall start on the new access proposed until a plan indicating that the required visibility splays can be achieved. The plan must be approved in writing by the Local Planning Authority, and the works undertaken in accordance with the approved details.

Reason: In the interests of highway safety.

11. Before the development hereby permitted is brought into use, a non-migratory surface material shall be laid out for 15m from the edge of the highway at the existing access and constructed in accordance with a specification to be first submitted to and approved in writing by the Local Planning Authority and thereafter retained.

Reason: In the interests of highway safety.

### **Informatives**

1. 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.

2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Hampshire County Structure Plan Review: T.5

Winchester District Local Plan Review 2006: SF.1, SF.6, DP.1, DP.3, DP.4, DP.9, CE.5, CE.13, CE.16, T.1, T.2, T.3, T.4, T.5

3. The applicant's attention is drawn to the fact that the new access will entail crossing an existing watercourse and separate approval is required from the Local Planning Authority and the Environment Agency for the culvert or bridge which will be required.

4. The applicant's attention is drawn to the need to ensure that consent is given by Hampshire County Council to fell trees situated within the highway verge.