

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 12 January 2005

Item No:	05
Address:	Jhansi Farm Winchester Road Waltham Chase Hampshire SO32 2LL
Parish/Ward	Shedfield
Proposal Description:	Change of use from redundant barn to workshop for traditional Oak building business (Class B2 Use) and alterations to existing access (RETROSPECTIVE)
Applicants Name	Mr Trevor Goss
Case No:	05/02688/FUL
W No:	W08940/09
Case Officer:	Lisa Booth
Date Valid:	10 November 2005
Delegated or Committee:	Committee Decision
Reason for Committee:	4 or more representations contrary to the Officer's recommendations have been received
Site Factors:	Local Gap Countryside

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SITE LOCATION PLAN

Case No: 05/02688/FUL **W No:** W08940/09
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Proposal Description: Change of use from redundant barn to workshop for traditional Oak building business (Class B2 Use) and alterations to existing access (RETROSPECTIVE)

Site Description

- Former redundant barn, which has been renovated and insulated.
- Set behind another existing redundant agricultural building, approximately 40m from Clewers Lane.
- The site is accessed via existing access off Clewers Lane.
- Mature hedgerows along boundary with Clewers Lane and well screened by vegetation and buildings from other points along the road.
- The nearest residential dwellings are Jhansi Farm House (45m), 40 Meadow Close and Yaffles (60m)

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A for the repair and servicing of grass care machinery with ancillary sales and associated parking (*Application Withdrawn 10/04/01*)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*)
- W08940/07 - Relief from condition 6 of permission W08940/04, to allow business use of premises - Permitted 11/10/05
- W08940/08 - Relief from condition 6 of permission W08940/04 – Refused 27/09/05

Proposal

- As per Proposal Description
- The application is retrospective for change of use of a former redundant farm building to a class B2 use as a workshop for builders of traditional oak frame buildings.
- The existing access has also been upgraded to its current condition.

Consultations

Engineers: Highways:

- No highway objections subject to restrictive conditions.
- This application seeks full permission for a change in use of the existing redundant barn to a use in association with the applicants business, described in the supporting statement as assembly of doors and windows that they erect on individual sites. It is the intention to use the building as and when required for the storage of equipment and tools etc, and as a workplace in wet weather. They do not envisage having any trade deliveries onto the site and they consider it is a low key business as most of the operations are carried out at customers premises.
- The description of the business does sound as if the building will be operated by a low key usage. However, it may be beneficial if a personal or restrictive condition were applied to any consent granted in order that the Planning Authority is able to operate future control of the occupancy of the site.
- A further condition preventing the areas beyond the building from being used as outside storage would also be useful in ensuring the business remains a low key use. This is also probably useful to reduce the environmental impact of the scheme

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Environmental Health:

- No objections subject to restrictive conditions on hours of operation and burning of materials on site.

Landscape:

- No objections in principle, but suggest that the western field boundary is planted with a hedge and that the areas where excavated subsoil has been dumped be levelled.

Representations:

Shedfield Parish Council

- No Comments

Letters of representations have been received from 5 Neighbours

- All object
- Recent B2 planning applications on this site have been refused citing policy guidelines regarding reuse and also taking the impact of such a business on highway safety and local residents amenities as protected by the terms and conditions in the 2001 planning approval (see W08940/04).
- Rigorous conditions restricted the business use of the Jhansi Farm site. The Council deemed this necessary to safeguard highway safety and to protect amenities of local residents.
- Clewers Lane is a narrow country lane with no pavements and containing a blind bend. The lane is frequented by rural pedestrian and equestrian people going about their daily activities and is not suited to commercial traffic.
- Council recognised that local residents' amenities should be protected and imposed strict limits on business operating hours and machinery used.
- This planning application jeopardises all these safeguards which the council obtained for us.
- By building a road it contravenes planning laws.
- Lots of bonfires lit to dispose of waste.
- Scale of operation – sometimes start early.

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

- PPS7, policy C13 of the adopted Local Plan and policy C16 of the Local Plan Review encourages the re-use of agricultural buildings in the countryside for commercial purposes.
- Policy C13 of the adopted WDLPR "exceptionally" allows for a B2 Use, with this policy changing within the WDLPR to allow B1, B2 and B8.
- A B2 use is classed as general industry, due to the use of machinery and can often have a lot

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of impact through noise and unacceptable transport issues, which do not mix well within a residential environment.

- However, each proposal must be assessed on its own merits, and although the use as a workshop falls within a general industrial B2 use class, the activities carried out at the site are considered to be relatively low-key. Therefore the proposal is considered to be in accordance with policy, but rigorous conditions have been recommended to ensure that no other users can accommodate the building.

Impact on the character of the area/spatial characteristics/street scene

- 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 recommended to ensure that the activity takes place within the confines of the building.
- The building's small size (the floor space is approximately 324m²) combined with the limited parking area available, also helps to ensure that the use of the site remains relatively small scale in its nature.
- The site is set back from the road and is screened by another building and vegetation and cannot be seen from the road or other public viewpoints.
- The barn has been reclad in wood, with insulation between the walls and also re-roofed.
- The sympathetic restoration of the building retains its character as a former farm building and it is not considered to impact on the character of the area or street scene.

Residential amenities

- The building is located away from nearby residential properties.
- Although there is some machinery within the building, most of the work is carried out on customers' individual sites. Occasional cutting of wood, etc takes place to make staircases, but from hearing the machinery running on site, it is not regarded as an especially noisy activity and therefore should not impact detrimentally on the amenities of the locality.
- The Environmental Health Department have also not raised objection to the use of the site, subject to conditions being applied restricting working hours and use of machinery.
- All trade deliveries are made directly to the individual customers' sites and therefore there are no planned heavy vehicular movements to and from the site.

Highways

- The highway officer has assessed the application and has raised no objection.
- It is intended to use the building as and when required for the storage of equipment that they erect on individual sites. It is the intention to use the building as and when required for the storage of equipment and tools, etc, and as a workplace in wet weather. No trade deliveries are made to the site.
- It is considered to be a low-key use and a restrictive personal condition allows the Local Planning Authority to operate future control of the occupancy of the site.
- There is no new access proposed, with the existing access serving this building and the one to the south.

Comments on representations

- Each application is assessed on its own merits and it is accepted that sometimes a general industrial B2 use does not integrate well within a residential environment.
- The representations refer to an application that was refused for a total relief of a previous condition that restricted the use of the building for repair of garden machinery and for no other use in classes B1, B2 or B8 (ref: W08940/08) on the building to the south of the application site.
- The application was refused as it was not possible to judge the impact of allowing such a wide range of uses on the locality.
- This application has a user and therefore the application is able to be assessed on the impact it will have on the locality and conditions to restrict this use to reduce its impact on the surrounding area and properties are recommended.
- This was the case also with planning permission W08940/04, which was assessed on a user of the adjoining building to the south and restrictive conditions were applied.

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- In regards to burning waste material on site and nuisance caused by bonfires, this matter is dealt with by Environmental Protection laws and a condition has been recommended to restrict future burning on the site.

Recommendation

APPROVE – subject to the following condition(s):

Conditions/Reasons

01 The use hereby permitted shall be carried on only by Mr Trevor Goss and Mr John Goss and shall not ensure for the benefit of the land. When the premises cease to be occupied by Mr Trevor Goss and Mr John Goss the use hereby permitted shall cease and all materials and equipment brought onto the site in connection with the use shall be removed.

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

02 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be used only for a workshop for making traditional oak buildings and for no other purpose(s), including any other purpose in Class B1, B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

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

03 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 08:00-18:00 Monday to Friday and 08:00-13:00 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

04 No manufacturing, fabrication or other industrial process or activity hereby permitted shall take place anywhere on the site except within the confines of the building.

04 Reason: To protect the amenities of occupiers of nearby properties and to safeguard the open countryside and local gap.

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.

05 Reason: To protect the amenities of the locality.

06 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 1995 or any orders revoking and re-enacting such orders no outside storage of any kind shall take place

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within the site. Details of any waste storage facilities or other small scale storage requirement ancillary to the B2 use of the building hereby permitted shall be first submitted to and approved in writing by the Local Planning Authority. Such provision shall be implemented and retained as approved.

06 Reason: To limit the extent of development, to that applied for, in the interests of the amenity of the area and to maintain the existing character since outside development would not be appropriate in this countryside and local gap area.

07 A new hedgerow shall be planted and established along the western boundary on the approved plans. The plants shall be a staggered row with 600mm between rows and planted at 600mm centres. Species shall be a native mix unless otherwise agreed in writing with the Local Planning Authority. The new planting shall be completed before the end of the first planting season following the date of the planning permission hereby granted.

07 Reason: In the interests of the visual amenity of the area.

08 The areas where excavated subsoil has been dumped shall be levelled out and constructed in accordance with specifications to be first submitted to and approved in writing by the Local Planning Authority.

08 Reason: In the interests of the visual amenity of the area.

09 No materials shall at any time be burnt on site.

09 Reason: To protect the amenity of occupiers of nearby properties and in the interests of public health.

Informatives

01. 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.

02. 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