

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City Council
Planning Department
Development Control

COMMITTEE DECISION

**TEAM MANAGER
SIGN OFF SHEET**

Case No:	06/00635/FUL	Valid Date	24 February 2006
W No:	08655/15	Recommendation Date	8 May 2006
Case Officer:	Mrs Julie Pinnock	8 Week Date	21 April 2006
		Committee date	25 May 2005
Recommendation:	Application Permitted	Decision:	PERMISSION

Proposal:	Part change of use of building and land from Agriculture/Forestry to mixed Agriculture, Forestry and Arboricultural business (RESUBMISSION)
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Site:	Knowle Farm Mayles Lane Knowle Fareham Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
NO	NO	NO	YES	NO		

APPROVED TO GO TO COMMITTEE
TEAM MANAGER
Signed & Date

AMENDED PLANS DATE:-

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Item No: 09
Case No: 06/00635/FUL / W08655/15
Proposal Description: Part change of use of building and land from Agriculture/Forestry to mixed Agriculture, Forestry and Arboricultural business (RESUBMISSION)
Address: Knowle Farm Mayles Lane Knowle Fareham Hampshire
Parish/Ward: Wickham
Applicants Name: Mr D George
Case Officer: Mrs Julie Pinnock
Date Valid: 24 February 2006
Site Factors: Within 50m of Listed Building
Site for Nature Conservation
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received.

Site Description

The site is situated in the countryside and has a site area of .53 hectares. Vehicular access is provided from Mayles Lane into the site. An existing steel framed agricultural building, clad in green profiled sheets is cut into the land, with a parking area. There is a difference in levels on the site, with a retaining wall separating the steel framed building and parking from the remainder of the land which is used to grow sapling trees.

Proposal

The proposal is to change the use of the agricultural building to a mixed use to enable the applicant to operate his arboricultural business at the site in connection with the use of the land for growing sapling trees. Within the building is an office, staff facilities and an area for storage of equipment and machinery.

Relevant Planning History

W08655/14 - Change of use to forestry contractor's yard and retention of building for storage of equipment - Knowle Farm Mayles Lane Knowle Fareham Hampshire - Application Withdrawn - 19/08/2005
WAG/PN/187 - Agricultural building for storage equipment – Objection raised and application called in, however not within 28 therefore building received automatic prior approval – date called in 17.04.2000
WAG/PN/187/01 - Agricultural storage building – No objection raised to siting and design 22.11.2002

Consultations

Landscape: Comment that site is within the Meon Valley and within an Area of Special Landscape Quality. Objects to the visual impact of the large agricultural building advising that the office and storage space could be accommodated in a smaller and more sensitively designed building. No objection to the use of the land for growing trees. Suggest conditions if approved to deal with screen planting.

Highway Engineer: No highway objection

Representations:

Wickham Parish Council
No objection

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6 letters received objecting to the application for the following reasons:

- Mayles Lane is a private and poorly maintained road increased traffic will cause rapid deterioration
- Mayles Lane is narrow and verges are suffering from encroachment
- Increase in traffic
- Danger to pedestrians and cyclists using Mayles Lane
- Access to Knowle Farm is narrow and originally only meant to service the fields and sewer
- Increase in noise levels from use of chain saws, vehicular maintenance
- Hours of operation between 6.30 a.m. and 7.00 a.m. and Saturday and some Sunday
- Building only allowed for agricultural purposes although never used for this purpose

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

- Precedent for decisions at other sites
- Area is in poor condition near to a sewerage plant
- Telephone lines provided to the building
- Police do not regulate the speed as the roads are not adopted

1 letters of support received.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

UB3, C1

Winchester District Local Plan

C.1, C.2, C.7, C.9, C.13, EN.5, T.9

Winchester District Local Plan Review Deposit and Revised Deposit:

C.1, C.7, C.16, DP.1, DP.3, DP.5, T3, T.4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 4 Industrial, Commercial Development and Small Firms

PPS 7 Sustainable Development in Rural Areas

PPG 13 Transport

Supplementary Planning Guidance

Wickham Village Design Statement

Other Planning guidance

Parking Standards 2002

Planning Considerations

Background

The proposal is retrospective and seeks to regularise the unlawful use of an agricultural building erected in 2002. Prior approval was granted for this agricultural building by virtue of permitted development rights conferred under Part 6 of the General Permitted Development Order 1990 (as amended). These rights state that when a building ceases to be used for agricultural purposes within 10 years from the date of its substantial completion the building should be removed from the land. The land should be, so far as practicable restored to its condition before the development took place unless planning permission for a new use has been granted within 3 years from the date of cessation of the agricultural use or the local planning authority has agreed otherwise in writing.

In the event that planning permission is not granted for the change of use of this building, the local planning authority could require its removal by taking appropriate enforcement action.

The original agricultural holding which the building served has been sub-divided and the application site has been sold onto the applicant and has been used for business purposes in connection with his Arboriculture business without planning consent.

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This application seeks to re-use the building for a mixed use consisting of the change of use of the building in association with the applicant's Arboricultural business and in association with the use of the land for horticultural purposes for planting and growing sapling trees.

Principle of development

C.13 of the adopted local plan, and C.16 of the emerging local plan allow for the re-use for non-residential buildings in the countryside for employment generating activities provided; i) the form, bulk and general design of the existing building is in keeping with the locality and the proposed development maintains or enhance the local environment; ii) the building is of sound construction; iii) features of architectural, historic, nature conservation, landscape or visual interest are retained or improved; iv) scale and nature of the activity can be accommodated without detriment to the visual character of the locality, is not in a remote location, and will not harm the vitality of an existing or proposed employment site in a nearby town or village; v) the extent of the site clearly defined to prevent development expanding in the surrounding countryside; and iv) the type of traffic generated can be accommodated with harming the character of rural roads.

It is considered that the building is of sound construction, and that the scale and nature of the activity operated by Southwick Arboriculture Limited can be accommodated at the site. The planting of sapling trees is a horticultural activity that can be undertaken at the site without the need for planning permission as this constitutes agricultural development, so the issue is whether the scale and nature of the arboricultural activity detrimentally affects the rural character of the area or rural roads.

It is considered that the arboricultural business along with the horticultural activities at the site are a use which is acceptable in this location for the reasons set out below. It is recommended that a condition is imposed to restrict the use at the site for Arboriculture and/or agricultural, as the impact of an alternative employment use at this site would need to be fully assessed and in particular traffic and affect to the amenity of neighbours.

The Wickham Village Design Statement requires the impact of new development on traffic and parking in the village and its immediate surrounding should be taken into account at the planning stage, and that a clear physical separation between Wickham and Knowle is essential.

Impact on character of area and neighbouring property

The existing building and site is visible in wider views in the countryside, although the building is self contained within the site with no adverse impact to the wider countryside setting. The building and proposed use are far enough away from nearest residential dwellings not to have a detrimental impact on their amenity. A condition is recommended to limit outdoor storage as this could have a visual impact on the rural character of the area. A condition is also recommended to require any maintenance or repair of machinery in connection with the Arboricultural business to be undertaken within the building.

Landscape/Trees

The Landscape Architect raises concerns over the visual impact of the building; however Officers consider that whilst the building is utilitarian in appearance, it is cut into the land, which reduces its visual impact. There is no loss of existing trees or vegetation, and a condition is recommended to require a landscape scheme to help integrate the existing building into its rural setting.

Highways/Parking

Mayles Lane is a private rural road which serves residential dwellings, business units (formerly known at The Piggeries), North Park Business Centre and Ravenswood House. It is also used as a bus route from Wickham serving Knowle Village via a bus gate which enables the bus to

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enter the new development, but restricts vehicular access through this route.

Access to the site is from Mayles Lane along a single width access point via a field gate. Traffic using the site will pass a number of residential dwellings, although at its narrowest the access passes 3 and 4 Farm Cottages, a pair of semi-detached dwellings. It is acknowledged that this is close to these residential dwellings, however the use of the existing field gate could generate significant agricultural traffic, and it is not considered that a reason for refusal on affect to the amenity of these residential dwellings could be substantiated.

It is reasonable to limit the hours of the activity, and a condition is recommended to deal with this matter. The applicant has advised that due to the nature of his business, staff need to arrive at the site at 7.30 a.m. (although he acknowledged that at present some arrive at 7.00 a.m.) and envisages finishing by 5.30 p.m. No Sunday or Public Holiday working is proposed. The hours of operation at North Park Business Centre and the business units are restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday. Officers recognise the difficulty with an 8.00 a.m. start and therefore recommend that hours of operation at the site are from 0730 to 1800 Monday to Friday and 0730 to 1300 Saturday and at no time Sunday or Bank Holidays.

The highway engineer comments that it will be difficult to prove demonstrable harm will occur to users of the nearest public highway as a result of the proposal and therefore raises no objection. There is ample on site car parking.

Other Matters

Local residents have raised concern over the precedent allowing the proposal will set. There is another agricultural building to the north of the site, which it is understood has been used for storage of classic cars and limousines for hire and for equestrian purposes. The uses at this site are under investigation by the Council's Enforcement Team. It is not considered that in allowing the use of this building for a mixed agricultural and business use, that it will set a precedent for the use of the other agricultural building. Each application must be considered on its own merits.

In addition there is concern about the state of the area generally, and that the speed of traffic along Mayles Lane is not enforced by the Police. These are both matters outside the Control of the Council and not determining factors in the consideration of this application.

Recommendation

Application Permitted subject to the following conditions:-

Conditions/Reasons

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

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

02 The use of the building and associated development hereby permitted shall be used for Arboricultural Contractors and/or Agricultural use only.

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

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03 The hours of use including arrival and departure from the site shall be confined to 0730 to 1800 Monday to Friday and 0730 to 1300 on Saturday. No work shall take place at the site on Sundays or recognised public holidays.

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

04 There shall be no outdoor storage unless otherwise agreed in writing by the Local Planning Authority.

04 Reason: In the interest of the visual amenity of this countryside location.

05 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.

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

06 There shall be no repair, maintenance or testing of any vehicles, plant or machinery other than within the confines of the building.

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

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

Winchester District Local Plan Proposals: C.1, C.2, C.7, C.9, C.13, EN.5, T.9

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: C.1, C.7, C.16, DP.1, DP.3, DP.5, T3, T.4