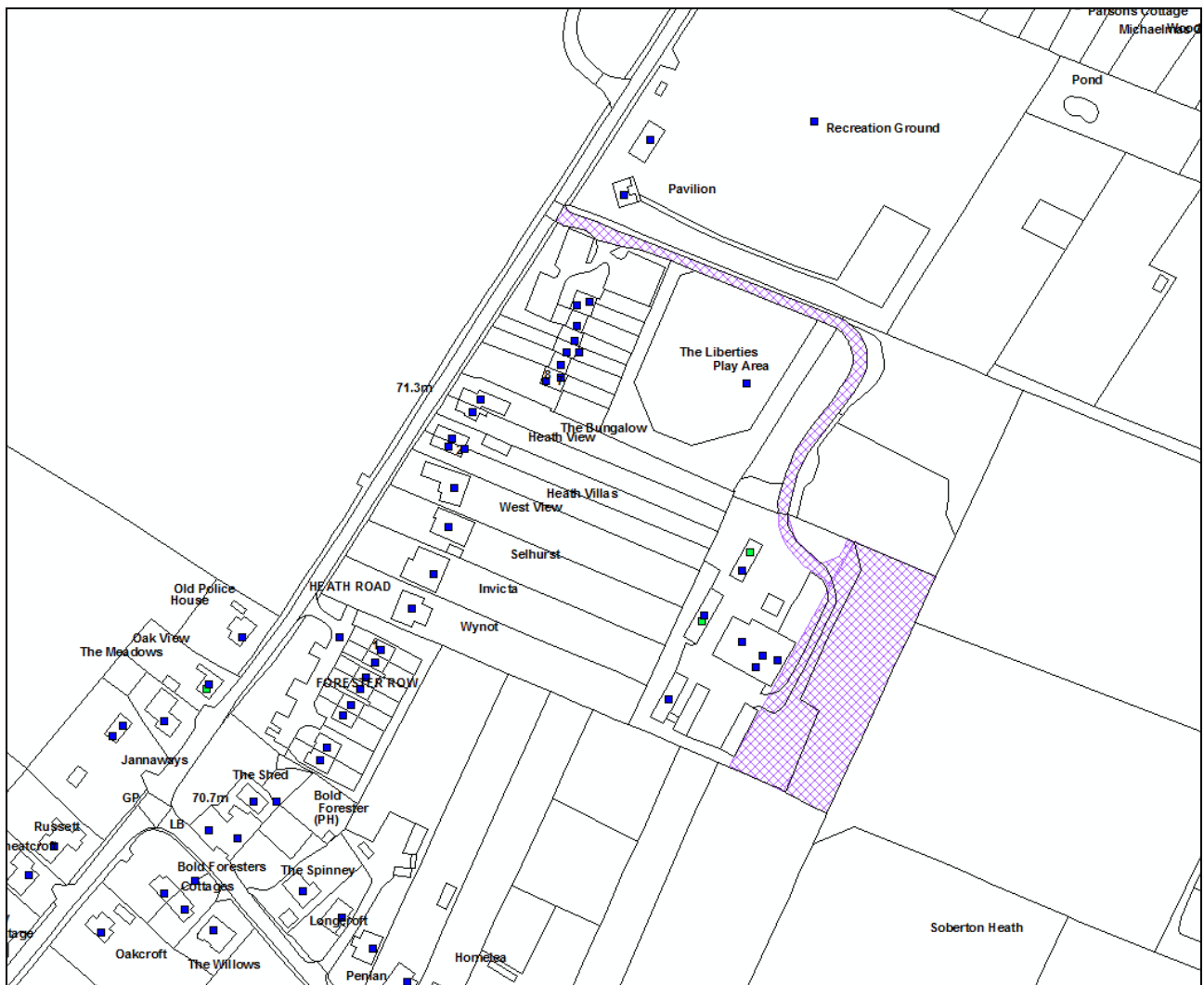


WINCHESTER CITY COUNCIL
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Case No: 20/00557/FUL
Proposal Description: PROVISION OF 5 BUILDINGS FOR B8 PURPOSES AND 1 FOR B1 PURPOSES. REVISION TO PLANNING PERMISSIONS, 18/01530/FUL, 19/00389/FUL, 19/01904/FUL
Address: Selhurst Poultry Farm, Heath Road, Soberton, SO32 3AF
Parish, or Ward if within Winchester City: Soberton Parish Council
Applicants Name: Mr Barney
Case Officer: Nicola Clayton
Date Valid: 11 March 2020
Recommendation: Application Permitted

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Pre Application Advice: None.



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General Comments

Application is reported to Committee as 7 letters of objection have been received contrary to the Officer's recommendation.

The changes to planning legislation, notably the Use Classes Order, has altered the classes into which various uses fall since the submission of this application. This includes B1(a), B1(b) and B1(c) uses, all of which are now Class E and are categorised as commercial, business and service.

Use Class B8 remains the same.

Site Description

The application buildings form part of a small complex of single storey commercial buildings, once a poultry farm, on the east side of Heath Road which itself links to the A32 Wickham to Droxford Road. The yard is located to the rear of the residential dwellings along the frontage with Heath Road. Mature hedgerows and trees form the boundaries of land surrounding the site and wider context. The site is well screened from the residential properties fronting Heath Road and public views from the recreational land to the north by mature trees and more recent planting.

This application site is located to the east of Heath Road, in Soberton, behind a linear development of 14 dwellings which front onto this road. It was formerly a complex of small farm buildings which are now converted for industrial purposes. The site is within the countryside. To the north of the site is the recreational ground and to the north west is a children's play area. The access to the site is to the north of Heath Road. To the east there are fields and to the south the back gardens of houses fronting Forester Road. Several of the storage/industrial units on the site have been approved for the conversion to single dwelling houses through the prior notification process.

Proposal

The erection of 6 buildings for business use. The new buildings would be timber clad with a slate roof. The new buildings would be 8.5 metres in heights and 5 metres to eaves.

This application is a revised scheme to planning permissions 18/01530/FUL, 19/00389/FUL and 19/01904/FUL. Approval through these applications has been granted for four large business units with a total footprint 762 sqm on this site.

The previous permissions result in an ad hoc layout for the site and this proposal is to reconfigure the layout to provide 6 smaller units with appropriate boundary treatments and landscaping.

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Relevant Planning History

- 20/00815/FUL Withdrawn. The construction of 4 new dwellings.
- 19/02717/PNCOU Approved 11.02.2020 Conversion of existing building from B1c use to C3 (residential use)
- 19/01947/PNCOU Approved 08.11.2019 Conversion of existing building from B1c use to C3 (residential) use.
- 19/01904/FUL Permitted 11.11.2019 Construction of building for B1 purposes
- 19/01719/PNCOU Approved 03.10.2019 Change of use of a building(and land within its curtilage) from Light industrial (Class B1c) to a dwellinghouse (class C3).
- 19/00885/PNCOU Approved 06.06.2019 Change of use of storage building B to single dwelling house
- 19/00884/PNCOU Approved 06.06.2019 Change of use of storage buildings A to a single dwelling house
- 19/00760/PNCOU Approved 24.05.2019 Change of use of a building (and land within its curtilage) from an office (Class B1a) to a dwellinghouse (Class C3).
- 19/00389/FUL Permitted Relocation of existing building for B8 storage use.
- 18/01530/FUL Permitted 14 September 2018 Extension of existing B8 use onto adjacent land to include relocation of replacement building and use for Class B8 purposes and new storage building for B8 purposes.
- 17/03242/FUL Permitted 15 March 2018 Construction of replacement building for B8 storage purposes.
- 14/00378/FUL Permitted 14 May 2014 Construction of replacement industrial building and use for Class B8 purposes and extension to existing office building (Building 8) for storage purposes
- 10/00052/FUL dated: 12 Jan 2010 Replacement of Buildings 7 and 8 and Change of Use of Building 7 from Use Class B1/B8 to Use Class B2 (RETROSPECTIVE) Permission 13 May 2010 09/01976/FUL dated: 30 Sep 2009 Alterations to Buildings 7 & 8 including recladding of walls and roof and new fenestration and porches (RETROSPECTIVE). Withdrawn
- 06/03339/FUL dated: 9 Nov 2006 Change of use of buildings from agricultural to B1 and B8 uses Permitted on 28 Feb 2007

Consultations

Service Lead – Environmental Services (Environmental Health)

- Raise no objection subject to safe guarding condition 6.

Service Lead – Community (Landscape)

- Raise no objection subject to safe guarding condition 7.

Representations:

Soberton Parish Council

- The proximity of the new industrial units of significant scale to the current residential properties

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- There is no indication as to the type of use that the new units will be put to and the impact of traffic and employees accessing and leaving the site.
- The allocation of 11 parking spaces for the 6 units is excessive.
- Recent work on the drainage ditches on the site has resulted in a significant amount of surface water being removed from the site, which has impacted detrimentally on properties "downstream" where significant flooding has occurred.
- The absence of a Landscaping Plan is of concern.
- Access to the site is via an unadopted single gravel track which passes through the Villages recreation ground, thus compromising the safety of parents and children visiting the Recreation Ground and the Children's Play Area

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

- Drainage
- Loss of residential amenity
- The extensive planning history of the site
- Flooding
- Out of character to the surrounding area

Relevant Planning Policy:

Winchester Local Plan Part 1 - MTRA1, MTRA 4, CP8, CP11, CP13, CP16

Winchester Local Plan Part 2 - Joint Core Strategy: Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM23, DM19, DM20, DM23, DM24

Planning Considerations

Principle of development

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The spatial strategy for the Market Towns and Rural Areas outlined in DS1 (Development Strategy and Principles) supports development that serves local needs in the most accessible and sustainable locations and maintains the rural character of the area. MTRA1 (Development Strategy Market Towns and Rural Area) refers generally to supporting the retention or redevelopment of existing employment land and premises. However, MTRA4 sets out specific criteria for suitable development in rural locations and would take precedence in the event of any conflict.

The application site is within the countryside and currently forms part of a mixed use site formerly in use as a poultry farm. Soberton is the nearest settlement and has no clearly defined settlement boundary under policy MTRA3.

The application site is outside defined settlement boundaries. DM1 (Location of New

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Development) makes it clear that in areas outside of settlement boundaries, only development appropriate to a countryside location will be permitted as specified in relevant countryside policies.

Policy MTRA4 allows for some types of development in the countryside under limited circumstances, the relevant consideration for this proposal being:

- the expansion or redevelopment of existing buildings to facilitate the expansion on-site of established business or to meet an operational need
- Proposals must be proportionate to the nature and scale of the site, its setting and countryside location. Developments permitted under MTRA4 should not cause harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light or traffic generation.

Policy MTRA4 supports the expansion of onsite business and secures that development proposed in accordance with this policy should not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation.

Fall-back position

A fall-back position relates to an alternative proposal that could be reasonably achieved on the site, be that one which already has an extant planning permission.

This is a material planning consideration in the determination of this planning application. There are four buildings with a total footprint of 762 sq mts granted via previous planning permissions 18/01530/FUL, 19/00389/FUL and 19/01904/FUL. One of these applications has been implemented to prevent the application from expiring. No works above ground level have been started. Works to this permission will be ceased if this application gains planning permission for this proposal.

There is no possibility that all schemes can go ahead due to the siting of the buildings in the same location.

This proposal is to reconfigure the layout to provide smaller units, which would be better arranged on the site. Access to the individual units would improve, and the layout would offer more scope for landscaping having regard to the more recent residential consents in the adjoining buildings.

Design/layout

The new buildings would be timberclad with a slate roof. The buildings have a functional appearance suitable for a countryside location. The layout of the proposed buildings would allow them to sit comfortably within a group. The floorspace of each building would be 15m by 10m. The scheme is a visual improvement over the existing extant permissions providing 6 smaller buildings with a more ordered layout with additional screening and appropriate landscaping improving the appearance of the site which is

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more appropriate given the countryside location. The proposal is in accordance with policy DM15, DM16 and DM23 of the LPP2.

Impact on character of area and neighbouring property

The site is bounded by residential properties and fields, the site is separated from the adjoining residential properties by mature trees, hedges and a drainage ditch. There is therefore a large degree of self-containment.

Whilst the site is within the countryside, it is an established employment site used for industrial purposes for many years. It is therefore of an established commercial character and is unlikely to become open countryside.

The six buildings would utilise appropriate materials for the countryside setting of the site. It is therefore considered that the new units would not be out of character to the surrounding area and would not cause any further intrusion into the surrounding countryside in accordance with policy DM23 of the LPP2.

The changes to planning legislation, notably the Use Classes Order, has altered the classes into which various uses fall since the submission of this application. This includes B1(a), B1(b) and B1(c) uses, all of which are now Class E and are categorised as commercial, business and service. This includes retail, restaurant, office, financial/professional services, indoor sports, medical and nursery uses along with 'any other services which it is appropriate to provide in a commercial, business or service locality'.

These are not uses that would generally be found in rural locations, unrelated to any settlement. Therefore, there are a number of uses within Class E which would not be acceptable in this area and a condition restricting the use of this site to class E(g)i (offices) and B8 (storage) is appropriate.

The buildings would be sited towards the rear of the site further away from the residential properties along Heath and Forester Road. A number of the buildings on the site have approval for conversion to residential under Class O and P of the GPDO through the Prior Approval method. These applications are not treated like full planning applications as the GPDO accepts the principle of residential conversion. Therefore the location of sites outside of areas where the LPA would ordinarily only accept residential are considered acceptable under Prior Approval. The appearance of the site is therefore becoming divided into two parts with residential buildings closer to Heath Road and the business uses to the rear of the site.

To protect the amenities of the future residents of the adjoining buildings (prior approval has been given through class O and P of the GDPO), an acoustic fence shall be installed. Details of the fence are conditioned as part of this application. The Environmental Protection officer has advised the fence to be of a height of 2m. This therefore prevents adverse noise in compliance with DM17 and DM20 of the LPP2.

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Landscape/Trees

Mature hedgerows and trees form the boundaries of the land surrounding the site and wider context. The site is well screened from the residential properties fronting Heath Road public views from the recreational land to the north by mature trees and more recent planting. All existing trees and hedgerows are to be retained in accordance with policy DM23 of the LPP2.

The plans show indicative landscaping to the front of the units. It is recommended that attention is given to the landscape buffer between the buildings and the nearby dwellings. A landscape plan should include what is within the buffer and what is to be additionally provided in order to increase the screening to better protect the amenities of the neighbouring dwellings and condition 07 will secure these details.

Highways/Parking

Selhurst Farm is an established employment site and the increase in floorspace would only result in a limited intensification of the site.

Accessibility and sustainable travel arrangements have been established by previous planning permissions. There is sufficient car parking on site to accommodate the business and therefore Highways raise no objection to this proposal. The proposal is therefore in accordance with policy DM18 of the LPP2.

Other Matters

Drainage

The site is within flood zone 1 and is at very low risk of surface water flooding. The geology is clay, gravel silt and sand.

The water table in Soberton, however, is exceptionally high and the entire area has an extensive network of ditches, all of which are in private ownership and have varying levels of maintenance. As a result, the area is not as well drained as it should be and there are some concerns when it comes to surface water issues in the area.

Surface water drainage on the site must be to soakaways and a condition is imposed to ensure a satisfactory solution is used for the site. The condition also requires details for the discharge for foul water.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty as statutory planning authority for the council.

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Recommendation Permission

subject to the following condition(s):

Conditions

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 development hereby approved shall be constructed in accordance with the following plans; WIN-ID-1265.8.03; WIN-ID-1265.8.04; WIN-ID-1265.8.05

02 Reason: In the interests of proper planning and for the avoidance of doubt.

03 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in section 9 (materials) of the associated application forms.

03 Reason: To ensure a satisfactory visual relationship between the new development and the existing.

04 No process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays and at no time on Sundays and recognised public holidays.

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

05 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 6 units hereby permitted shall be used only for purposes within Class Eg(i) and B8 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).

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

06 An acoustic fence shall be provided in accordance with a scheme to be submitted and approved by the local planning authority before the units are occupied. Within 3 months of date of the local planning authority giving written approval for the fencing (or other such

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time period as may be agreed by the local planning authority), the approved fencing shall be provided on site. The fencing shall thereafter be retained.

06 Reason: To protect the residential amenities on the nearby residential properties.

07 A landscaping scheme shall be submitted to and approved by the local planning authority before works commence on the development hereby approved.

Within 3 months of date of the local planning authority giving written approval for the landscaping (or other such time period as may be agreed by the local planning authority), the approved landscaping shall be provided on site.

If within a period of 5 years from the date of the planting, if the tree is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

07 Reason: To protect the amenities of the occupiers of the adjoining properties.

08 A Biodiversity Enhancement Plan shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This shall include the type and location of bat boxes, bird boxes, any native species-rich planting. These biodiversity enhancements shall be sited prior to the development coming into its intended use and retained thereafter.

08 Reason: To ensure a net gain in biodiversity in accordance with CP16 and the NPPF 2019.

09 Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before the units are first occupied.

09 Reason: To ensure satisfactory provision of surface water drainage.

10 Details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the use commencing. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

10 Reason: To protect the appearance of the area, the environment and local residents from light pollution.

11 The use of the development hereby approved must be as follows:

- 1 unit within E g (i) use
- 5 units within B8 use

11 Reason: To ensure that the number of units in office use – which is more intensive - is controlled to prevent harm to the highways and character of the area.

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Informative

In accordance with the National Planning Policy Framework (NPPF), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

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

The Local Plan Part 1 (2013) DS1, CP13, CP16, CP17, MTRA1, MTRA4

The Local Plan Part 2 (2017): DM1, DM3, DM15, DM16, DM17, DM18, DM23

National Planning Policy Framework

High Quality Places Supplementary Planning Document (2015)

Car Parking Standards Supplementary Planning Document (2009)

This permission is granted for the following reasons:

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

All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Flexibility of hours may be acceptable due to the Covid-19 emergency in line with the Business and Planning Bill 2019-21 <https://services.parliament.uk/Bills/2019-21/businessandplanning.html>

Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions.

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice

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<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

Please be advised that Building Regulations may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

If the proposals include works to an ordinary watercourse, under the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent from the Lead Local Flood Authority is required.

This consent is required as a separate permission to planning. Information on ordinary watercourse consenting can be found at the following link:

<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/changewatercourse>