

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/00199/FUL
Proposal Description: Reconfiguration of south entrance in Lower Chase Road to provide an alternative access and provision of eight parking spaces (partial alternative to permission 12/02424/FUL).
Address: A R B Mechanical Ltd, Winchester Road, Waltham Chase, SO32 2LL
Parish, or Ward if within Winchester City: Shedfield Parish Council
Applicants Name: Mr Alan Batten
Case Officer: Nicola Clayton
Date Valid: 1 February 2022
Recommendation: Application Permit
Pre Application Advice Yes

Link to Planning Documents

Link to page – enter in reference number 22/00199/FUL
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that it will have an acceptable impact on the character of the area and would not harm neighbouring residential amenity. The proposal does not result in adverse highway impact and material planning considerations do not indicate that an alternative approach should be taken.

General Comments

The application is reported to Committee due to the number of comments received contrary to the Officer's recommendation.

Amendments to Plans Negotiated

Further Highways information was received at the request of the Highway Authority and an Operation Management Plan was submitted during the course of the application.

As the information was a request for clarification and the Management Plan is usually supplied by discharge of condition, a further publicity period was not required.

Site Description

The proposal site currently hosts the applicant's building and parking facilities which is accessed directly from Winchester Road by passing through another industrial plot.

From Lower Chase Road, users can see the side gable of the industrial building and an existing gate in the boundary treatment.

There is a large hedge along the boundary of the application site with Lower Chase Road.

To the opposite side of the site lie a number of residential dwellings. The recent development of Ludwells Close sits to the eastern boundary and another industrial building sits to the west. To the north, to the opposite side of the car park, lies undeveloped land within the applicant's ownership which abuts further residential dwellings.

The character of the area is varied. It is evident that the area is a built up settlement however the transition to countryside is in close proximity.

Proposal

The proposal is to move the gate on Lower Chase Road to provide a formal access into the site. This would allow the provision of 8 further parking spaces

Relevant Planning History

- 12/02424/FUL - Erection of a single-storey extension at the east elevation; use of land for employment purposes and additional parking area
Approved 10.09.2013

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Consultations

Service Lead – Community and Wellbeing (Ecology)

- First response - Submitted ecological reports are acceptable however site plan should be submitted showing proposed planting on the eastern boundary as recommended by the reports.
- Second response – Plan has been updated as requested. No objection subject to the recommendations in the Ecology report and external lighting being conditioned (condition 3, 4, 6).

Service Lead – Community and Wellbeing (Landscape)

- The new entrance and loss of hedgerow would have a negative impact on the character and visual amenity of Lower Chase Road.
- A landscaping plan can be used to obtain confirmation of :
 - the stopping up of the existing gate and replacement with new hedgerow.
 - More trees including species
 - A thicker hedge could be used along the roadway/
 - A more appropriate gate could be used.

Hampshire County Council (Highway Authority)

- First response – visibility and tracking are acceptable however holding objection raised until it is demonstrated two vehicles can pass one another.
- Second response – Access width has been provided demonstrating the access is wide enough. No objection raised subject to applicant entering into section 278 agreement for the new access onto Lower Chase Road including the relocation of overhead utilities.
- Third response – No objection to the Operation Management Plan but is of the opinion that one is not required.

Representations:

Shedfield Parish Council

Removal of the hedgerow would be contrary to the Village Design Statement.

The access is on a busy route to school.

The route is heavily used by pedestrians, cyclists and horse-riders.

There is no pavement on Lower Chase Road.

The site is adjacent to housing development

Rely on the expertise of Hampshire Highways but concerns about heavy traffic turning right into the site.

Wish to be re-assured that there is sufficient room for HGV's to turn on the site in order to exit safely.

14 Objecting Representations received from different addresses citing the following material planning reasons:

- Lower Chase Road is already too busy.
- Concern over noise of turning HGVs
- Concern over turning required for HGVs and impact on properties opposite.
- Road is used by Swanmore School students to walk to school.

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- Habitat will be removed due to hedge removal.
- Lorry drivers can overlook into Ludwells Close.
- The tracking shows a vehicle must cross onto the wrong side of the road to make a turn.
- Such vehicles have massive blind spots
- Conflict between vehicles waiting to enter the site and other vehicles on the road.
- Margins or error are very small on the tracking drawings and vehicles may need to enter neighbouring property driveways.
- The use of the road is residential, not commercial.
- The road has no street lighting.
- There are already 2 commercial estates on the road which generate commercial traffic.
- The verges on the side of the road are actually ditches, they are not part of the carriageway and cannot be used for turning.
- Loss of hedgerow which is protected in Village Design Statement
- Industrial fence and entrance is not in keeping with rural environment
- New highway code rules may lead to further conflict

1 Supporting Representation citing the following material planning reasons:

- The site will not be a heavily used entrance and provides a safe space for pedestrians to move out of the way of oncoming traffic.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 of the National Planning Policy Framework 2021

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).

DS1 - Development Strategy and Principles

MTRA4 - Development in the Countryside

CP8 – Economic Growth and Diversification

CP10 - Transport

CP13 - High Quality Design

CP16 - Biodiversity

CP17 - Flooding, Flood Risk and the Water Environment

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CP18 – Settlement Gaps

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 - Location of New Development

DM15 - Local Distinctiveness

DM16 - Site Design Criteria

DM17 - Site Development Principles

DM18 - Access and Parking

DM20 - Development and Noise

DM23 - Rural Character

DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

Supplementary Planning Document

National Design Guide

High Quality Places

Residential Parking Standards

Swanmore Village Design Statement

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 - 2030

Statement of Community Involvement 2018 and 2020

Winchester District Economic Development Strategy 2010-2020

Hampshire Economic Assessment

Landscape Character Assessment March 2004 and emerging LCA December 2021

Biodiversity Action Plan 2021.

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located outside of the defined settlement boundary of Waltham Chase which is located to the opposite side of the Lower Chase Road. As such, the application site (and the wider A R B Mechanical site) is within designated countryside.

Policy MTRA4 of the Local Plan Part 1 only allows development which has an operational need for the location. The policy also supports expansion on-site of established businesses provided development is proportionate to the nature and scale of the site, its setting and countryside location.

Policy CP8 of the LPP1 supports economic development and encourages the intensification of previously used land.

Whilst the site is located within the countryside (and the existing access arrangements are outside of the settlement boundary too), the development of the access has an operational need to be in this location to meet the operational needs of this site.

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As a result, the principle of development is acceptable.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The present character of this area of Lower Chase Road is semi-rural which is noticeable as one travels through the edge-of-settlement environment.

The industrial units to the north are visible beyond hedging and the recent Ludwells Close has developed the area further. The road is a signed access route for the Swanmore Business Park so the road is currently used by commercial vehicles, which also plays a role in its character.

There is an evident gap in the existing hedge to serve the existing gate. Whilst this gate is not used, the proposals involve moving that access to a more suitable point and closing the gap. This would allow the use of the site by commercial vehicles which would alter the immediate character of the area. However given the road is already used by other commercial vehicles and there is an existing industrial presence due to the visibility of the buildings, this does not result in adverse harm to the character of the area through the revision of the gate location and addition of commercial activity.

The hedge is a key part of the character of the area and hedges are used on the majority of boundary treatments. The hedge is categorised as a 'Locally Important Hedgerow' within the Shedfield Village Design Statement and Design Guideline 1 within the Statement is relevant to this application. In addition, Policy DM24 of the LPP2 seeks to protect hedgerows.

In this instance it is acknowledged that the hedgerow will be amended as part of this development. However, it is also acknowledged that there is already an evident gap within the hedge which is to be moved as a result of this application. The existing gap will then be filled with a native hedge thickened with Hawthorn and Privet. Additional trees are planted behind the hedge to add further greenery. Submitted plans show that the majority of the hedgerow is retained with the sections on the eastern part of the site removed and replaced to ensure the access is safe.

The ecological works to the hedge are assessed later in this report.

As a result, it is not considered the alterations to the hedge to allow the access adversely harm the prevailing character of the area.

The additional parking extends an existing parking area within an established industrial facility and does not adversely harm the character of the area.

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Comments have been raised regarding the appearance of the gates however these are expected for commercial premises and are set back from the roadway which reduces their prominence.

There is a tree protected by a TPO to the rear of the car park. The parking arrangements take place within an existing hard surfaced area and no adverse harm is demonstrated on this tree.

The site is located within a defined settlement gap. The development supports an existing use within a built up area and does not visually harm the defined gap. The proposal complies with policy CP18 of the LPP1.

Therefore, the proposal is not considered by officers to result in adverse harm to the character and appearance of the area and the proposal is in compliance with policies DM15, DM16, DM23 and DM24.

Development affecting the South Downs National Park

The application site is located approximately 800 metres from the boundary of the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Between the site and the Park boundary lies commercial and residential buildings and agricultural land. Due to the distance and scale of development the proposal does not harm the Park or its statutory purposes.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

The development is not in close proximity to a Listed Building, Conservation Area, areas of Archaeological interest or a Non-Designated Heritage Asset and there is therefore no impact on designated features or their setting.

Neighbouring amenity

There are a number of properties on the opposite side of the road to the proposed junction, many have their access points onto Lower Chase Road itself whilst others have access points onto Winchester Road and Evelyn Close.

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The proposal would result in the increased use of this part of the road by commercial vehicles which would result in a visible change in activity and noise for surrounding properties.

The Operation Management Plan outlines that the majority of vehicle movements are by Transit size vans however there 2 – 3 deliveries a week by 10metre long vehicles. No articulated lorries use the site and this is controlled by the Management Plan. As a result of this and also considering the scale of the commercial premises (with neighbouring commercial uses having their own access points in other locations), it is not considered that the amount of movements involved would result in an adverse impact to residential amenity which justifies refusal of the application.

There are properties to the east at Ludwells Close and concern has been raised regarding increased noise disturbance. The same assessment as made above applies to these neighbouring properties.

Concern is also raised regarding the potential for overlooking from lorry drivers as they enter the site. Whilst the comments are noted there is not considered to be demonstrable harm and vehicles are already able to enter the site using the existing arrangements. Therefore, an adverse overlooking impact is not demonstrated.

The proposal therefore complies with policy DM17 of the LPP2.

Sustainable Transport

The applicant has provided visibility splays which demonstrate that an acceptable splay can be achieved for the legal speed limit of the road. Further information was received which has confirmed two vehicles can pass within the access to prevent vehicles queueing on the road.

The applicant is required to enter into section 278 legal agreements with the County Council to ensure the revised access arrangements meet highway standards. There are also overhead utilities in the area which may require removal.

The submitted plans demonstrate a delivery vehicle can access and egress the site safely.

The level of parking provision is considered acceptable to the City Council as parking authority taking account of the scale of the operation on this site.

Hampshire County Council as Highways Authority raise no objection to the access.

Whilst the highway arrangements are satisfactory, the applicant has submitted an Operation Management Plan.

The Plan confirms that the operation does not involve any HGV vehicles and vehicles are mainly from Transit sized vans. 2 – 3 deliveries per week are made by a 10 metre rigid chassis vehicle and no articulated vehicles visit the site.

Traffic movements are to use the Winchester Road and suppliers will be advised of the size of vehicle allowed to use the site.

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A 'No Left Turn' sign will be placed in the site to ensure vehicles turn right toward Winchester Road and a complaints procedure has been set out.

The County Council as Highways Authority does not object to the Management Plan however is of the opinion that one is not required and enforcement of the Plan would lie with the Local Planning Authority.

However, the LPA must consider all aspects of the development and the inclusion of the Plan assists the residential amenity of the surrounding properties and also allows control of the types of vehicles within the area and their routing. The OMP has been created by the applicant based on their site requirements and is considered acceptable by the Planning Authority. Condition 7 ensures that the Plan is followed.

The application does not result in a risk to surrounding highway safety and the proposal is in compliance with policy DM18 of the LPP2.

The site is located outside of the Air Quality SPD area.

Ecology and Biodiversity

An Extended Phase 1 Ecological Assessment (Phillips Ecology, August 21) was submitted as part of the application. In summary:

- The site is considered to support opportunities for breeding birds, foraging/commuting bats, hedgehog and reptiles.
- Removal of 43m hedgerow and loss of 100sqm neutral species-poor semi-improved grassland.
- Mitigation measures are outlined in the report.
- Compensate loss of hedgerow and grassland with native hedgerow planting along 55m eastern boundary and set back from the road 6m either side. Sow 280sqm retained grassland with Emorsgate native wildflower mix and managed like a hay meadow.
- All hedgerow cutting to be carried out between December and March to avoid impacting dormice.
- Any vegetation in the working area will be cleared in a sensitive manner under supervision of an experienced ecologist.
- 2 bat boxes on T2 and log piles created as enhancement.

The surveys, assessment and mitigation proposed by the Ecological Appraisal is considered acceptable and the mitigation is secured by condition 3 and 4.

The alterations to the hedgerow are not considered to result in adverse harm to biodiversity and compensation and enhancements are being made.

The species recommended within the Ecological Appraisal are considered suitable.

The application site is not in close proximity to a National Protected Site and is not overnight accommodation affecting Nitrates.

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The proposal complies with policy CP16 of the LPP1.

Appropriate Assessment.

The application site is not in close proximity to a National Protected Site and is not overnight accommodation affecting Nitrates.

An Appropriate Assessment is not required.

Sustainable Drainage

Whilst additional parking is being provided, this sits as part of an existing hard-standing area and there is no materially difference to the existing situation.

The proposal will therefore have no impact on drainage provision and complies with policies CP17 of the LPP1 and DM17 of the LPP2.

Other Topics

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.

Planning Balance and Conclusion

The development is in accordance with the policies of the development plan in respect of the principle of facilitating an existing commercial site and managing transport requirements. The impacts on the character of the area in terms of loss of some hedgerow and on residential amenity are at an acceptable level and will not result in a level of harm that could substantiate a reason for refusal especially when taking into account mitigating factors or replanting and ecology.

Recommendation

Application Permitted subject to the following conditions:

Conditions

01 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).

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02 The development hereby approved shall be constructed in accordance with the following plans:

- Location Plan [drawing SD-2024-02 Rev A]
- ARB Mechanical Access Width
- Extended Phase 1 Ecological Assessment dated August 2021
- Operation Management Plan by Nick Culhane Highway Consultant dated October 2022
- Proposed Site Plan [drawing SD-2024-01 Rev Y]

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

03 The recommendations and enhancement measures outlined in Extended Phase 1 Ecological Assessment dated August 2021 must be adhered to.

Reason: To ensure the proposed measures are implemented in appropriate timeframes.

04 The landscaping of the site must be undertaken in accordance with the details shown on drawing SD-2024-01 Rev Y and the Extended Phase 1 Ecological Assessment dated August 2021.

The soft landscaping must be planted within the next planting season following completion of the access works shown on drawing SD-2024-01 Rev Y

If within a period of 5 years any plant, hedge or tree dies, becomes defective or diseased, a replacement of the same species must be planted in the same location within the next planting season.

Reason: To ensure enhancements and replacement hedging is implemented in an appropriate timeframe.

05 Prior to the commencement of the access and highway works shown on drawing SD-2024-01 Rev Y, the applicant must enter into a section 278 agreement with the Highway Authority.

Reason: To ensure the access arrangements are completed to an agreed technical standard and any utilities are diverted.

06 Prior to the installation of any external lighting, a plan showing the specification and orientation of the lighting must be submitted to and approved in writing by the Local Planning Authority.

The details must also include measures taken to prevent light disturbance to surrounding biodiversity and residential amenity.

The lighting must then be implemented in accordance with the approved details.

Reason: To ensure lighting installed does not cause harm to the surrounding ecological features and properties.

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07 The use of the access hereby approved must follow the Operation Management Plan by Nick Culhane Highway Consultant dated October 2022.

Reason: To ensure the size of vehicles using the junction is as specified and the routing strategies are followed.

Informative:

1. In accordance with paragraph 38 of the NPPF (2021), 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.

In this instance a site meeting was carried out with the applicant.

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

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

DS1 - Development Strategy and Principles

MTRA3 - Other Settlements in the Market Towns and Rural Areas

MTRA4 - Development in the Countryside

CP10 - Transport

CP13 - High Quality Design

CP16 - Biodiversity

CP17 - Flooding, Flood Risk and the Water Environment

CP18 – Settlement Gaps

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM1 - Location of New Development

DM13 - Leisure and Recreation in the Countryside

DM15 - Local distinctiveness

DM16 - Site Design Criteria

DM17 - Site Development Principles

DM18 - Access and Parking

DM19 - Development and Pollution

DM20 - Development and Noise

DM23 - Rural Character

DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

High Quality Places SPD

Parking Standards SPD

3. 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

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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.

4. 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. 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.

5. 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

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