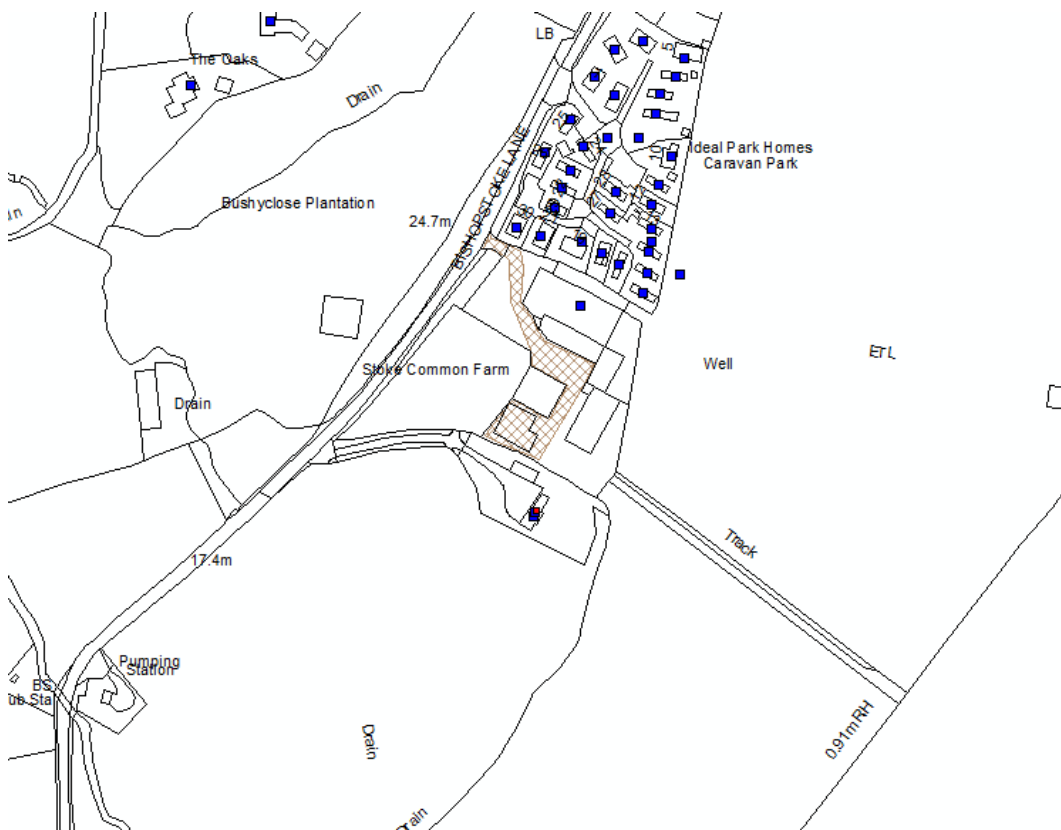


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/01357/FUL
Proposal Description: Change of use of Agricultural Barn to a mixed use between Light Industrial (Class E (g)(iii)) and Storage & Distribution (Class B8)
Address: Stoke Common Farm, Bishopstoke Lane, Brambridge, Hampshire, SO50 6HX
Parish, or Ward if within Winchester City: Colden Common PC
Applicants Name: Mr and Mrs Morris
Case Officer: Jordan Wiseman
Date Valid: 21 June 2022
Recommendation: Permit
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 22/01357/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



© Crown Copyright and database rights Winchester City Council Licence 100019531

Case No: 22/01357/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Reasons for Recommendation

The proposal does not result in a significant adverse impact upon the existing site and the surrounding area and does not result in significant additional adverse impact upon the amenities of nearby residential properties.

General Comments

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

Amendments to Plans Negotiated

A change in proposal description was required due to the applicant changing the proposed use class of the building. Amended floor plans were requested and duly submitted reflecting the change in internal layout as a result of the proposed use class of the building.

The application was subsequently re-advertised via additional neighbour letters to the nearest residential properties.

The original proposal sought the retrospective use of the unit for a heavier industrial use, which included the paint spraying of motor vehicles which was not considered a use capable of being carried out within a residential area without adverse impact on residential amenity. The previous occupants of the unit have since ceased operating from the site.

Site Description

The application site comprises a cattle farm accessed from Bishop stoke Lane. The site hosts a number of farm buildings and various other sheds and workshops, some of which are no longer used in connection with the agricultural use of the site as they are no longer required to support it. The site is rural in character due to its current use and the buildings on site and the same can be said for the character of the surrounding area, demonstrated by the dense woodland, open arable fields and paddocks surrounding the site. Ideal Park Homes is a residential site located adjacent to the north of the site.

Proposal

Change of use of Agricultural Barn to a mixed use between Light Industrial (Class E (g) (iii)) and Storage & Distribution (Class B8). The definition of the proposed uses are:

“E (g) Uses which can be carried out in a residential area without detriment to its amenity”, and more specifically “E (g) (iii) Industrial processes”.

In addition the proposal also seeks a **B8** use which is defined as *“Storage or distribution”.*

WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Relevant Planning History

21/02991/LDC - The building has been used as a workshop continuously for over 10 years - Refused

Consultations

Service Lead for Public Protection (Environmental Health)
Objection due to insufficient information

Representations:

Colden Common Parish Council

From: Debbie Harding <clerk@coldencommon-pc.gov.uk>
Sent: 23 August 2022 20:25
To: Jordan Wiseman <JWiseman@winchester.gov.uk>
Subject: 22/01357/FUL | Continued use of former agricultural barn for car repairs including retention of air intake and extract cowl on southern side of building | Stoke Common Farm Bishopstoke Lane Brambridge Hampshire SO50 6HX

The Parish Council wishes to object to this application.

This application is a substantial change from land in the countryside used for agricultural purposes. We understand that residents close to the application site are concerned about noise pollution.

The application does not contain any information in regard to proposed hours of operation, nor a transport study.

The Parish Council fully endorses the comments and opinions of Winchester City Council Environment Health department that further information is required and would like the opportunity to comment further when the information requested has been provided.



Debbie Harding
Parish Clerk

Phone 01962 713700
Mobile 07775 627131
Web www.coldencommon-pc.gov.uk
Email clerk@coldencommon-pc.gov.uk

Parish Office, Community Centre
St Vigor Way, Colden Common,
Winchester, Hants, SO21 1UU

Part time – Working days Mon-Wed & Friday

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

- Impact on residential amenity
- Noise
- Pollution (fumes/dust)
- Vehicle movements
- Highway safety

Case No: 22/01357/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

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).

Policy DS1 – Development Strategy and Principles

Policy SH1 – South Hampshire Urban Areas

Policy MTRA1 – Development Strategy Market Towns and Rural Areas

Policy MTRA2 – Market Towns and Larger Villages

Policy MTRA4 – Development in the Countryside

Policy CP10 – Transport

Policy CP11 – Sustainable Low and Zero Carbon Built Development

Policy CP13 – High Quality Design

Policy CP14 – The Effective Use of Land

Policy CP15 – Green Infrastructure

Policy CP16 – Biodiversity

Policy CP17 – Flooding, Flood Risk and the Water Environment

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

Policy DM1 – Location of new development

Policy DM15 – Local Distinctiveness

Policy DM16 – Site Design Criteria

Policy DM17 – Site Development Principles

Policy DM18 – Access and Parking

Policy DM20 – Development and Noise

Policy DM23 – Rural Character

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Residential Parking Standards December 2009

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020-2030

Statement of Community Involvement 2018 and 2020

Biodiversity Action Plan 2021

Case No: 22/01357/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Historic England Guidance
Constructive Conservation in Practice 2008
Constructive Conservation Sustainable Growth for Historic Places 2013
Conservation Principals Policies and Guidance 2008
Historic Environment Good Practice Advice in Planning: Published 30 June 2020
Winchester Future 50 Conservation Area Project 2018-2020

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 situated outside of a defined settlement boundary and is therefore located within the countryside for planning purposes.

Policy MTRA4 of the WD LPP1 allows for the reuse of existing buildings in the countryside for employment/business purposes. The proposal would see the change of use of an agricultural building which is no longer used for agricultural purposes, to a mixed use between light industrial (Class E (g) (iii)) and storage & distribution (class B8) in order to support a new business moving into the unit.

It is therefore considered that the proposal would accord with policy MTRA4 of the WD LPP1 and is acceptable in principle provided the development accords with all other parts of the local plan and unless material planning considerations indicate otherwise.

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 application site comprises a modest agricultural building within a farm holding. The site is accessed off of Bishopstoke Lane and the building subject to this application is set well within the confines of the site, and is not visible from any part of the public realm.

The proposed change of use does not seek any changes or extensions to the exterior of the existing building and so any impact upon the character and appearance of the existing site and the surrounding area will be negligible.

The proposed use is not considered to result in an over intensive use of the site, in comparison to that which already exists on the site, as one is a use acceptable in a residential area and storage is a low-key use

Based upon the above assessment, it is not considered that the proposal would result in significant adverse impact upon the character and appearance of the existing site and

Case No: 22/01357/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

surrounding area. The development is therefore considered to be in accordance with policies DM15, DM16 of the WD LPP2.

Development affecting the South Downs National Park

The application site is located 1.44km from 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.

Due to the distance and intervening features involved, 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

There will be no adverse impact as the works do not affect a statutory listed building or structure including its setting; the area is not a conservation areas and there is no archaeological sensitivity or Non-designated Heritage Assets within the sites vicinity.

Neighbouring amenity

The application site is located to the south of Ideal Park Homes Caravan Park. Due to the nature of the proposed development and the intervening distances involved, no additional adverse impact can be demonstrated by way of overlooking, overshadowing and overbearing.

Policy DM17 and DM20 of the WD LPP2 also stipulates that development must not have an unacceptable adverse impact upon neighbouring amenities by way of noise pollution.

The application as originally submitted sought the use of the building as a car repair/paint workshop and as result included extractor cowls to deal with any fumes from paint spraying. As highlighted in an earlier section of this report, the proposed use of the building changed and the extractor cowls which were erected without permission were removed. A noise report was submitted in support of the application when it was first submitted, however this only assessed the noise generated from the extractor cowls and not the operational use of the building itself which would also generate a degree of noise. The extractor cowls focussed on by the original noise report are no longer present or part of the application, confirmed by the amended plans submitted. In addition, the proposed use of the building has changed.

It is acknowledged that significant levels of complaint were received by the council from residents at the Ideal Park Homes Caravan Park, reporting noise nuisance generated by the previous unlawful use of the building as a car repair/paint workshop (confirmed

Case No: 22/01357/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

unlawful as per the relevant planning history section of this report), with the majority of the adverse levels of noise being produced by the extractor cowls.

However, through cooperation with the council's planning enforcement team, the use of the building as a car repair/paint workshop ceased. The extractor cowls were subsequently removed and revised proposals for the application were submitted proposing a different and less noise intensive use for the building as described in the proposal section of this report.

The use now proposed under this application is defined as "**E (g)** *Uses which can be carried out in a residential area without detriment to its amenity*", and more specifically "**E (g) (iii)** *Industrial processes*".

In addition the proposal also seeks a **B8** use which is defined as "*Storage or distribution*".

It is also acknowledged that a number of the concerns and complaints raised with regard to the site, related to the general manner in which the previous and unlawful use of the building was being carried out by the previous occupants. This included operations being carried out in unsociable hours including deliveries and the revving of car engines. Whilst this is clearly unacceptable, consideration must be given towards the fact that this use was operating unlawfully and without any planning restrictions/controls being placed on the site which could otherwise address and prevent these issues. As confirmed, this use has now ceased.

The planning practice guidance confirms that appropriately worded conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. In this instance, given the definitions of the use classes now proposed which are considered appropriate for residential areas, highlighted earlier in this report, and the un-intensive nature of the uses proposed, it is considered that with appropriately worded conditions attached to a decision, any potential adverse impacts arising as a result of noise generating from the uses, could be effectively mitigated.

The recommended conditions to address this are attached to this report, but the general scope is as follows: restricting the use of the building explicitly to that of Class E (g) (iii) and B8, restricting the hours the use can operate preventing any activity taking place outside of unsociable and disruptive hours, the prevention of any works taking place outside of the building and the prevention of any burning of materials and/or waste on the site.

It is understood that other disruptive and potentially unlawful uses are currently taking place within the wider site area, however this planning application has to be treated as separate to these matters and exclusively applies to this specific building.

Based upon the above assessment, it is considered that, with the appropriate planning control measures in place via condition, the proposed use of the building could operate without causing significant adverse impact upon residential amenities by way of noise pollution. The development therefore accords with policy DM17 and DM20 of the WD LPP2.

Sustainable Transport

The proposal does not seek any alteration to the existing vehicular access to the site and sufficient parking is considered to be provided within the existing site. Therefore

Case No: 22/01357/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

there is no adverse impact demonstrated on highway safety and parking and the development accords with policy DM18 of the WD LPP1.

Ecology and Biodiversity

The proposal will have no impact as it is not Development within, bordering or in close proximity to a European Protected Site (I.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) and it is not new overnight accommodation affecting nutrients.

Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

Sustainability

The proposal is for the reuse of an existing building and does not seek any physical alterations to the building. Therefore there is no impact on building sustainability in this instance.

Sustainable Drainage

The proposal will have no impact on drainage as the building is existing and benefits from existing drainage arrangements in terms of foul and surface water drainage.

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 proposal does not result in a significant adverse impact upon the existing site and the surrounding area and does not result in significant additional adverse impact upon the amenities of nearby residential properties.

The development therefore is considered to accord with policies DS1, CP20 and MTRA4 of the WD LPP1 and DM1, DM15, DM16, DM17, DM18, DM20, DM23 of the WD LPP2.

Recommendation

Permit subject to the following condition(s):

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

Case No: 22/01357/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

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

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

Plans as Existing – 1509-P-01

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

3. No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 0700 and 1800 Monday to Friday and 0800 and 1600 on Saturdays and at no time on Sundays and recognised public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

4. No works associated with the use hereby approved shall take place outside of the building.

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

5. Prior to the installation of any external lighting (whether free standing or affixed to a structure), details must be submitted to and approved in writing by the Local Planning Authority.

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

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

6. No materials shall be burnt on site, unless agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of nearby premises and in the interest of public health.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be used only for purposes within Classes E(g)(iii) 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 purposes.

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

Case No: 22/01357/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Informative:

1.

In accordance with the 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.

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:-

Local Plan Part 1 - Joint Core Strategy: MTRA4, DS1, CP13, CP20

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM20, DM23

High Quality Places 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 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. 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>

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 Practise

Case No: 22/01357/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

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

6.

Any modifications to the approved drawings, whether for Building Control or any other reason, or any departure on site from what is shown, may constitute a criminal offence under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The applicant is required to draw this and other conditions on the Consent to the attention of any contractors or sub-contractors working on site and furnish them with a copy of the consent and approved drawings.

7.

The applicant is encouraged to research the need for any permits required from Hampshire County Council in order to discharge surface water into a Highways Ditch.