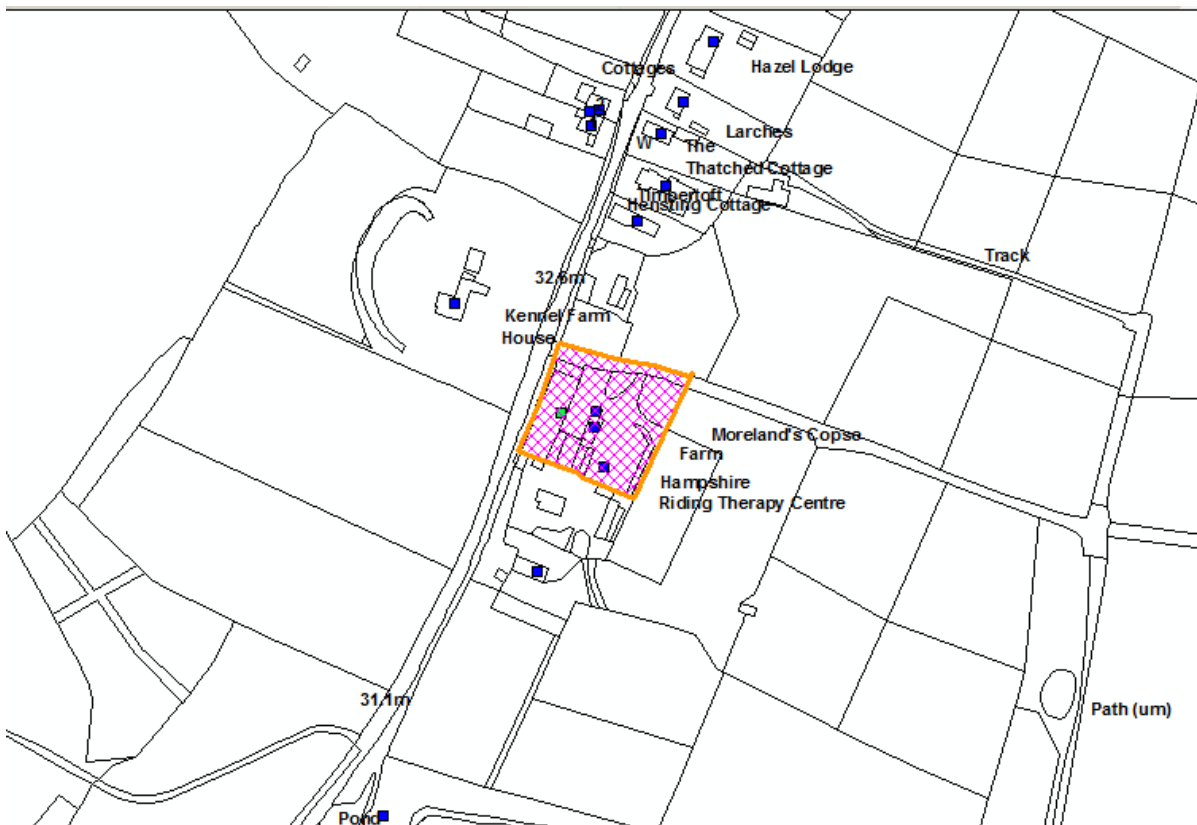


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 19/00781/FUL
Proposal Description: Change of use from equestrian use as part of the former Hampshire Riding Therapy Centre to class B1(a) use; including removal of existing redundant buildings, alterations/improvements to the external appearance of retained buildings and provision of enclosures for external plant associated with the heating and cooling of the building
Address: Morelands Copse Farm Hensting Lane Fishers Pond SO50 7HH
Parish, or Ward if within Winchester City: Colden Common
Applicants Name: Mr James Everton
Case Officer: Lisa Booth
Date Valid: 4 April 2019
Recommendation: Application Permitted



© Crown Copyright and database rights Winchester City Council License 100019531

Case No: 19/00781/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

General Comments

Application is reported to Committee as the number of objections received (22 from 20 different addresses) and are contrary to the officer's recommendation

Site Description

Morelands Copse Farm is located along Hensting Lane, Fishers Pond. The buildings the subject of this application previously formed part of a larger equestrian complex. The red site line encompasses a large block built building adjacent to the road and 2 no: smaller brick built buildings to the north and east of the main building. Parking/hardstanding is to the east (rear) of the site, with access road to the north from Hensting Lane.

Other wooden buildings on the site are to be removed and boundaries are mainly post and rail fencing.

The land to the east (open fields) rises significantly beyond the rear boundary fence. Existing equestrian development is situated to the south of the site, with residential dwellings to the north of the site. Public footpath no. 17 runs along the access road and along the land to the north of the site.

Proposal

The proposal is to retain 3 no: buildings and refurbish for use as offices (class B1(a) use) using sympathetic materials. A number of wooden shed type buildings are to be removed. A 1.8m close boarded fence and gate to be erected from the rear of the building to the parking area. Access and parking areas to remain as existing.

Relevant Planning History

None

Consultations

WCC Engineers: Drainage: No objection subject to condition (8).

The site is within Flood Zone 1 and is at very low risk of surface water flooding. The geology is chalk overlain by head deposits.

Foul water is to drain to a new package treatment plant. This should either discharge to a ditch (that has flow all of the time) or a drainage field designed using percolation test results.

Surface water drains to the ditch, as there is a net reduction in contributing impermeable areas this is acceptable despite soakaways being preferred.

WCC Engineers: Highways: No objection subject to condition for parking provision.

Access to the application site is from Hensting Lane, which is a rural unclassified road. The access track is a public right of way.

Case No: 19/00781/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Not readily accessible by public transport - nearest bus services 1.2 km from the site. Change of use likely to result in moderate increase in vehicle movements to and from the site. Site access is of adequate geometry with satisfactory visibility. Resultant increase in vehicle movements generated by the development can be safely accommodated at the access and will not result in a detrimental impact on the safety or operation of the local highway network.

Parking area can accommodate 30 cars – adequate for the amount of floor area to be converted. Covered cycle parking is also proposed.

Highway Authority considers that the proposed development will not result in any material highway/transportation implications –

WCC Environmental Protection:

No adverse comments – No details of external plant and associated noise provided

WCC Landscape - Ecology

Comments on Technical Note (ECOSA, 21st June 2019): “The potential impact of the proposed development on Common Toad was addressed within a Technical Note (ECOSA, 21st June 2019). Correspondence with Kathy Wormald from Froglife is included within Appendix 2 of this Technical Note. This states that the conversion is of no concern provided due diligence is taken to insure the suitable habitat is not disturbed.

The applicant has also undertaken an informal study of the traffic along Hensting Lane and concludes that the proposal is unlikely to cause an increase in traffic. The technical note therefore suggests that there will not be an increase in mortality as a result of the operational phase. In order to mitigate potential mortality risk during the construction phase, heavy vehicle movements and deliveries shall be restricted to daylight hours only.

Whilst we appreciate the concern regarding Common Toad this application will not impact the breeding ponds or suitable terrestrial habitat.

Any substantial mitigation measures such as tunnels under the road are outside of the remit of this application. However, we do suggest that the recommendations within this Technical Note are adhered to and any possible enhancement features are included within the proposal.

We also suggest that this crossing site continues to be monitored and should any circumstances change then it may become necessary for mitigation measures to be implemented.”

For Information: Awaiting final bat survey – will be updated in Update Sheet.

Froglife (Undertaken through applicant consultation)

“The only protected amphibians are great crested newts and natterjack toads and if there are any proposed works within 500m of their breeding ponds then a licence has to be obtained from Natural England. As these are common toads in principle no permissions are required or mitigation action, however of course we would recommend that all due diligence is undertaken to ensure that the toads habitat is not disturbed in any way and that obstacles such as new roads or cycle paths etc are built that will fragment their migration routes.

Case No: 19/00781/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Toads migrate from wooded areas to their breeding ponds in the spring months and return to the wooded areas after breeding from June onwards. It is also important to note that the juvenile toads leave the breeding pond in their second year and migrate later in the year, Autumn months, to the wooded areas. If as you say there will be no new developments then I don't think there is any concern about the conversion, but as said due diligence does need to be taken to ensure that the habitat is not disturbed."

HCC Countryside Planning - Object and ask that the applicant submit an amended application identifying the right of way and indicating how it will be dealt with within the proposal.

Colden Common Footpath 17 crosses application site/ is proposed vehicular access from Hensting Lane. Increase in parking spaces/ vehicular use of path - likely to cause safety, nuisance and conflict issues for the legitimate and vulnerable users of the public right of way. Likely to be an impact on the amenity and recreational value of the path. Offence under the Road Traffic Act 1988 to drive or cycle over a public footpath without lawful authority. Applicant should demonstrate to the satisfaction of the local planning authority that they have this authority and that this permission extends to development as proposed.

Representations:

Colden Common Parish Council

- No objection

22 letters received from 20 different addresses objecting to the application for the following material planning reasons:

- Concerns will turn this area of South Downs National Park into an industrial estate
- What will be developed on fields to rear?/Open floodgates for further development in the lane
- Impact on the beauty of the area
- Building totally out of character
- Re-design could be a visual improvement
- Not in keeping with immediate surroundings of countryside and residential
- Doesn't serve needs of local community
- Loss of stables serious concern
- Class B1 use allows for any industrial process on site/permitted change to other uses, i.e. class B8 use
- Surrounding land and lane heavily used by walkers/horses/cyclists/runners
- Disturb wildlife – affect the population/migration of newts and toads
- Hensting Lane is an active migration route for smooth newts and common toads – monitored by charity's - registered toad patrol site with the Department of Transport (site ID 437)
- Should look at adequately protecting the toad population. As a minimum, development plans should be incorporate sufficient mitigation for the toad population such as maintaining breeding ponds, leaving a terrestrial corridor for movement between breeding ponds and terrestrial habitat and/or installation of amphibian tunnels in the road section most often crossed by toads
- Increase in traffic volume – highway safety concerns - already used by commuters

Case No: 19/00781/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

- detrimental
- Potential for large construction vehicles to access and be stored on site
- Limited passing place on lane used by agricultural vehicles – cause congestion
- 30 car parking spaces – indicates possible further expansion¹
- Residents petitioning to reduce speed limit on lane to 20mph

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

- Deprecate the surrounding properties in this beautiful area

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
MTRA4, CP13, CP16

Winchester Local Plan Part 2 – Development Management and Site Allocations
DM1, DM16, DM17, DM18, DM23

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance
Colden Common Village Design Statement

Other Planning guidance
Movement, Access, Streets and Spaces
Parking Standards 2002

Planning Considerations

Principle of development

The proposal is for the re-use of redundant equestrian buildings within a countryside location for class B1(a) office use.

The principle for re-use of the buildings for employment purposes is considered to be acceptable and in accordance with policy MTRA4 of Winchester District Local Plan Part 1.

It specifically supports:

- proposals for the reuse of existing rural buildings for employment, tourist accommodation, community use or affordable housing (to meet demonstrable local housing needs). Buildings should be of permanent construction and capable of use without major reconstruction; or
- Expansion or redevelopment of existing buildings to facilitate the expansion on-site of established businesses or to meet an operational need, provided development is proportionate to the nature and scale of the site, its setting and countryside location;
- 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 traffic generation.

The buildings will be used by a company currently located in Leylands Business Park,
Case No: 19/00781/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Colden Common, who wish to relocate the business in order to own their own premises instead of renting.

The principle of the conversion of the existing buildings to class B1(a) office use is considered to be in accordance with development plan policy MTRA4.

Design/layout

It is proposed to sympathetically convert the existing indoor riding arena, office and stable buildings for office use.

The existing brickwork will be retained and made good where necessary on the smaller buildings (1 and 3). The larger building which is currently white painted block work will be clad in a natural finish larch cladding and roofed in dark grey metal profile roof.

There will be small link extensions between the largest building and the smaller buildings, which are in a group close to the road. Other buildings will be demolished and a stable building will be dismantled for possible use elsewhere, subject to any relevant permissions. A small cycle and waste building is proposed within the parking area using the wooden cladding to match the existing building.

The existing hardstanding areas are to be retained and made good where necessary.

A 1.8m high fence and gate, using matching larch cladding, is proposed at the car park entrance within the site.

The application has been assessed in its entirety for conversion of the whole of building 2 to class B1(a) use, but the applicants are proposing to convert in two phases.

Impact on character of area and neighbouring property

The existing buildings are to be sympathetically converted and will use materials that compliment its rural form and surroundings. It is considered that the use of larch cladding on building 2 will result in a visual improvement from Hensting Lane and the public footpath to the north.

There is no additional development that will impact on the visual amenities of the neighbouring residential properties.

New windows are proposed in building 2, but will face the road and towards the car parking area.

In terms of the use of the building, it is considered that an office use is a low key use and will not be any more detrimental than the previous equestrian use that ran 7 days a week, but will be less intrusive in terms of noise and vehicle movements. It is proposed that the building will only be occupied for 5 days in the week, with condition (5) restricting working/delivery hours.

Landscape/Trees

This is a direct conversion and the majority of hardstanding and surrounding boundary treatment will remain as existing.

There are no trees on the surrounding land affected by the proposal.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Highways/Parking

There has been no objection by the Highway Engineer in terms of vehicle movements and parking.

Further information has been provided by the applicant in order to address traffic issues raised in representations and impact of traffic on migrating toads. An informal study of traffic movements on the previous equestrian use versus the proposed use was undertaken. It was concluded that the proposed use of the site will in fact see a reduction in traffic movements from the previous riding centre use. Whilst it was not disagreed with the Highways officers' comments that the site has the *potential* to generate a moderate increase in traffic on Hensting Lane, it is considered that the proposed use will see a reduction, as demonstrated by the data captured by the study.

It has been suggested that Hensting Lane should be reduced to 20 mph and residents have been petitioning for this to be undertaken. Although the applicant acknowledges this, it has been demonstrated that the development reduces traffic movements and therefore does not adversely affect highway safety and further mitigation is therefore unnecessary in relation to this scheme.

Other Matters

Ecology – As highlighted above Hensting Lane is a migration route for toad. A detailed Amphibian Report has been undertaken and consultation with Froglife, who actively undertake work with the migrating toads in the migration seasons. It was concluded that the conversion of the building and the proposed use will not have any increased impact on the toads than exists at present.

Right of Way – In regard to the Countryside Officer's comments the previous owner had vehicular access rights over Footpath no. 17 and this has been transferred to the applicant on purchase of the land. An informal study of traffic movements on the previous equestrian use versus the proposed use was undertaken and concluded that the proposed use of the site will in fact see a reduction in traffic movements from the previous riding centre use. Therefore, the reasons for the objection are unfounded.

Recommendation

Application Permitted 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.

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

02 Before the occupation of the development, provision for parking and turning shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason: To ensure adequate on-site car parking provision for the approved development.

Case No: 19/00781/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

03 The development shall take place using materials as described in Section 7 of the application form hereby permitted and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

04 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be used only for purposes within Class(es) B1 (a) 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).

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

05 The buildings shall not be occupied and no deliveries taken at or dispatched from the site except between the hours of 0630 and 2000 Monday to Friday and 0800 and 1300 on Saturdays and at no time on Sundays and recognised public holidays.

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

06 Before the heating/air conditioning plant is installed and operated on the premises, a full acoustic report (with a scheme of attenuation measures) shall be submitted and approved in writing by the Local Planning Authority. The equipment shall be installed and maintained in accordance with the approved scheme.

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

07 Prior to the occupation of the development detailed scaled drawings of the covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

08 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 occupation/operation.

Reason: To ensure satisfactory provision of foul and surface water drainage.

09 The recommendations contained within Technical Note (ECOSA, 21st June 2019) shall be adhered to during and after the construction period.

Reason: To safeguard protected species and maintain biodiversity.

Case No: 19/00781/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

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

Drawing No: 459/B/PL/02 - Floor Plans as Proposed

Drawing No: 459/B/ PL/03 - Elevations as Proposed

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

Informatives

01. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

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

In this instance the applicant was updated of any issues after the initial site visit.

02. 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.

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

Local Plan Part 1 - Joint Core Strategy: MTRA4, CP13, CP16

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

04. 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.

05. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

06. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement conditions are discharged then this would constitute commencement of development

Case No: 19/00781/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

The name of the planning officer who dealt with application

The application case number

Your contact details

The appropriate fee.

Further information, application forms and guidance can be found on the Council's website- www.winchester.gov.uk.

07 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 on this please refer the Construction Code of Practice

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

08 PLEASE NOTE: If foul drainage goes to a ditch it has to be a ditch that flows regularly, otherwise a drainage field would be required and associated percolation tests for the design.