

Report to	Planning Committee
Date	19 January 2012
By	Director of Planning
Local Authority	Winchester City Council
Application Number	11/00745/SFUL
Application	Change of use to training centre (D1 Use)
Address	Marwell Yard, Thompsons Lane, Owslebury, Hampshire
Purpose of Report	The application is reported to the Committee for decision.

Recommendation: That planning permission is refused for the reasons set out in paragraph 9.2 and that consideration of expediency for enforcement action be delegated to the Director of Planning as set out in paragraph 9.3 of this report.

1. Site Description

- 1.1 The site is in the countryside, approximately 1.8 miles south west of the village of Owslebury, opposite the Marwell Zoological Park with access from Thompsons Lane. It is generally well screened with mature trees and hedging on the northern boundary. However there are views into the site through the site access and distant views from the B2177.
- 1.2 The site measures 3.1 hectares and is already in use as the training centre proposed in this application. It includes a yard, part of which is surfaced in concrete with the remainder laid to gravel with a large 5 bay barn on the south side. A number of former agricultural buildings have been converted adjacent to the northern boundary and are being used as offices and training areas. A bund which was required as part of a site restoration scheme (a requirement of the previous temporary use for storage associated with a utility company and construction company) has recently been constructed on the site, and this separates the yard from the remainder of the application site. The field beyond the bund slopes gently towards the southern boundary of the site which has a Park Pale designated as a Scheduled Monument running along the entire length.
- 1.3 To the north east is a complex of farm buildings which includes a grain dryer, which lies immediately adjacent to the application site. To the south west of the site is a barn, which is used for general industrial use. The closest residential property known as South Lodge is located approximately 400 metres to the north east.

2. Relevant Planning History

- 2.1 09/02063/HCS - Change of use from agricultural storage to use of land for the storage and transfer of waste materials associated with gas utility works and the ancillary storage of plant, equipment and materials associated with a general construction and civil engineering business, for a limited period – temporary permission granted 8 February 2010. The condition placed on the application required the use to cease on or before 31 March 2011.
- 2.2 06/03453/FUL - Erection of 2 no. hay, machinery and plant equipment storage buildings on land off Thompson Lane – permitted 19 January 2007 – not implemented.
- 2.3 05/02059/APN - Erection of agricultural storage shed – prior approval granted 19 September 2005.

3. Proposal

- 3.1 The applicant is Mountstone Ltd, which is a company that specialises in large utility projects. The company is currently operating from this site. This proposal is a retrospective application to continue to use the site for a training centre (D1 Use). The training is for utility company staff in the procedures and legislation that they have to follow / comply with when undertaking projects. The training centre will comprise both classroom and practical instruction provided within the converted containers/portacabins, with the practical training involving use of a tracked excavator, a hydraulic platform and dumper truck which will take place within the field beyond the bund. The machinery will then be stored within the existing barn on the site.
- 3.2 The Design & Access statement indicates that the training centre employs up to 8 people, with each training session having a maximum of 24 trainees at any one time. The access to the site will be via the existing access onto Thompsons Lane, which was constructed during the previous temporary use. A total of 8 car parking spaces are shown on the proposed site layout plan for staff use. No formal allocation of parking spaces is provided for trainees. The application estimates that the proposed use would generate 16 vehicle movements per day on the days when no course is running. On days when a course is running it is estimated that up to 28 vehicle movements would occur if the maximum number of trainees (24) attended. The Design & Access statement indicates that trainees would be told to either car share (4 per car) or would be brought by minibus. The applicant has indicated that external lighting will be provided from sensor controlled security lighting.
- 3.3 This application was deferred from the August planning committee, following the submission of further information from the applicant. The information comprised a Noise Impact Assessment and a further Transport Report. The applicant has reduced the proposed operating hours of use to the following 0900 – 1730 Monday to Friday and 0900 – 1300 on Saturdays. These changes to the application are assessed in paragraph 8 of this report.

4. Consultations

- 4.1 Highway Authority – object: the access and road leading to and from the site are substandard in width to accommodate the increase in traffic which the development would create. Having regard to the agents transport report submitted subsequent to the initial Highway Authority response the fundamental issue remains with the required visibility. The traffic report is reliant on an inaccurate survey which was carried out during the school holidays, it's conclusion that visibility could be achieved relied on a number of trees being removed that add to the amenity of the area and are actually still in place. The proposal is therefore still unacceptable from a highway point of view and the Highway Authority still objects to this application.
- 4.2 English Heritage – the proposed change of use within this application would not have a significant additional adverse impact on the designated heritage asset of Park Pale, subject to the proposed exclusion zone being implemented to protect the Scheduled Ancient Monument.
- 4.3 Hampshire County Council Ecologist – no objection to the application subject to a condition for the submission of lighting details to be used on the site
- 4.4 Winchester City Council Officers – Environmental Protection Team – Following the submission of a Noise Assessment Survey and having visited the site to observe the plant and machinery in use, we are satisfied that subject to relevant conditions controlling the use that there will be no detrimental noise impact on local residents.
- 4.5 Owslebury Parish Council - objects very strongly on the following grounds:
- no justification for this proposed use in the South Downs National Park and the site should be returned to its original use of agriculture;
 - will have an adverse impact on the amenity of neighbouring properties through noise and floodlighting;

- road is heavily used and this proposal will have a significant adverse impact on highway safety
- Further to the submission of the additional information the Parish Council still has concerns over the change of use of the site with particular regard to highway safety of Thompsons Road, Hurst Lane and Portsmouth Road triangle.
- The Parish Council endorses the submission made by Mr Gargan, with regard to the impact of noise on neighbouring properties.

5. Representations

- 5.1 South Downs Society – object; the proposal will have a visual impact on the users of the area; the noise created by the machinery will affect the tranquillity of the National Park and the activity will not protect and enhance the landscape value of the area.
- 5.2 7 letters of objections have been received making the following points:
- The land should remain in agricultural use and the proposed use will have an adverse impact on the National Park through harming its tranquillity;
 - The traffic within the area is heavy with HGV's using narrow country lanes, this proposal will have an adverse impact on highway safety for both vehicles and pedestrians;
 - This site has been developed without planning permission following the expiry of the temporary permission and they are concerned with the future use of the site;
 - Adverse impact on the amenity of neighbouring properties with regard to noise and light pollution from floodlights;
 - There is a strong demand for agricultural storage space in the area and this application removes this from the local economy.
- 5.3 Following the submission of the additional information 3 further letter of objection have been received making the following points:
- Dispute the findings of the Noise Impact Assessment, the assessment was not undertaken in different conditions and it is not clear who would control the actual noise levels of the operation and its subsequent impact on local residential properties.
 - The background noise from this site and the neighbouring Zoo will have a detrimental impact on the amenities of the neighbouring properties.

6. Planning Policy Context

- 6.1 The following national policy documents are relevant to this application:
- PPS1 Delivering Sustainable Development
 - PPS4 Planning for Sustainable Economic Growth
 - PPS5 Planning for the Historic Environment
 - PPS9 Biodiversity and Geological Conservation
 - PPG13 Transport
- 6.2 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area in the South east Plan and the Winchester District Local Plan Review 2006.
- 6.3 The government has recently published the Draft National Planning Policy Framework (NPPF) which proposes a presumption in favour of sustainable development. This document is however in the very early stages of development and as such should be given little weight in decision making at this point in time.
- 6.4 The South East Plan was adopted by the Secretary of State on 6th May 2009. The Coalition Government's revocation of the Plan in July 2010 has been found to be unlawful so the Plan remains part of the development plan at this time but the intention to revoke could be a material consideration. The following policies are the key ones relevant to this application:

- C2: The South Downs - states that the purposes of designation should be a material consideration in the making of any planning decision that would affect it.
- CC1: Sustainable development – states that the physical and natural environment of the south east is conserved and enhanced
- CC6: Sustainable Communities and Character of the Environment – requires new development to respect the character and distinctiveness of landscapes and use innovative design to create a sense of place.
- NRM5 – Conservation and improvement of Biodiversity – states that biodiversity must be preserved and where possible enhanced
- NRM7 – Woodlands – states that the value of woodlands should be protected and enhanced

6.5 Winchester District Local Plan (Review) 2006 policies relevant to this application are:

- DP.3 sets general design criteria to be met by all new development in order to maintain or enhance the townscape and landscape of the District.
- DP.4 defines landscape and built environment criteria to be met by new development in order to maintain or enhance the District's townscape and landscape.
- DP.5 sets out that the design of amenity open space should be of a high standard of design that would maintain the visual and environmental character of the area
- CE.7, CE.8 & CE.10 – relates to the developments impact on protect sites, such as Special Sites of Scientific Interest (SSSI) and the overall ecology of the area
- CE17 relates to change of use of non-residential buildings in the countryside.
- T.2 sets out criteria for provision new access required to serve development
- T.4 sets out the Highway parking standards for new developments;

7. National Park Purposes

7.1 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence.

There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes. Government policy relating to national parks set out in PPS7: Sustainable Development in Rural Areas and Circular 20/10 is that they have the highest status of protection in relation to landscape and scenic beauty. Conservation of the natural beauty of the landscape and countryside must, therefore, be given great weight in development control decisions.

8. Planning Assessment

Principle of development

8.1 The site lies in the countryside within the South Down National Park. Whilst policy CE17 of the Local Plan 2006 generally supports change of use/conversion of non-residential buildings in the countryside to employment-generating activities (B1, B2 or B8 uses) this proposal seeks permission for a non residential education and training facility (Class D1 of the Use Classes Order 2010. The proposal will not generate employment opportunities in itself although it is recognised it will serve existing employers and employees. Notwithstanding, the increase in staff and traffic movements will harm the character of this countryside area. The increased traffic generated by the change of use will create harm to the character of the rural road access from Thompsons Lane. Although the site is largely screened from public vantage points, views into the site are available from the access point into the site. It is considered that due to the scale and nature of the proposed use, which incorporates containers/portacabins and heavy machinery in combination with the associated car parking

and vehicle movements there will be harm to the visual character and tranquillity of this part of the National Park. The development does not therefore meet the national policy objectives set out in PPS1, PPS4, PPS7, PPG13 and policy DP.4 of the Winchester District Local Plan Review 2006.

Traffic and Transport

8.2 Thompson's Lane is subject to the National Speed Limit of 60mph. The section of highway outside the site is narrow, with evidence of vehicles over running and damaging carriageway edges as they are unable to pass an HGV without undertaking this manoeuvre. It is therefore considered that the road leading to and from the site is of inadequate width to accommodate safely the additional traffic which the proposed development would generate, contrary to Policy T2 of the Winchester District Local Plan (Review) 2006. Additionally the existing access to the site is substandard for the proposed use, in that it provides restricted visibility splays due to mature trees being located either side of the junction. Having regard to the transport report submitted subsequently by the applicant, the fundamental issue remains with the required visibility and width of Thompson's Lane. The traffic report is reliant on a survey which was carried out during the school holidays and when Thompson's Lane, which serves Marwell Zoological Park, experiences fluctuations in traffic speeds and volumes. In addition it's conclusion that visibility had already been achieved within the previous use relied on a number of oak trees being removed. This has not happened and the mature trees are still in situ. Further to this the trees, which add to the amenity of the area, are located outside of the application site on the public highway verge and are therefore not within the control of the applicant to remove. The proposal is therefore unacceptable from a highway point of view.

8.3 Moreover this is an unsustainable form of development contrary to national planning policy guidance in PPS1, PPS4 and PPG13 in that it would result in development that would be inappropriately located away from existing urban areas and would thus over-rely on the private car for access and transport purposes. The applicant has indicated that trainees will be instructed to car share (4 in car), however it is highly unlikely that people with different travel patterns and coming from different locations will adhere to this, with the only other form of transport to the site being by private individual vehicle. This would result in an unacceptable increase in the number and length of car journeys to the detriment of Thompson's Lane, the environment and the locality.

Amenity of the area

8.4 The proposed change of use will result in an intensification of use of the site with increased traffic movements and associated noise and disturbance for neighbouring residents. A noise impact assessment has been submitted within the application and has been considered by the Winchester City Council Environmental Protection team. Following observations of the use on the site in conjunction with the noise impact assessment, that subject to relevant controls in the form of noise and hours of use conditions it is considered that the development would not have a significant adverse impact on the amenities of neighbouring residential properties.

Archaeology

8.5 The application site has a Scheduled Monument known as Park Pale. A Park Pale is a wooden stake fence, often associated with deer hunting which defines a historic site boundary and is located along the southern boundary of the site. This application proposes a 10 metre exclusion zone to protect Park Pale, which is considered to be an acceptable method to protect the Scheduled Monument, and could be secured by condition, if planning permission were to be granted.

Ecology

8.6 The proposed development is not considered to have a significant adverse impact on the ecology of the area, subject to a condition to control the lighting scheme on the site, if planning permission were to be granted.

9. Conclusion and Reasons for Recommendations

- 9.1 The proposal is an unsustainable form of development in the countryside, that would lead to an over-reliance on the private car and an increase in activity and traffic movements which will have an unacceptable impact on road safety, to the detriment of the environment and the locality which will harm the character and tranquillity of this part of the SDNP. The proposal would therefore be contrary to national government policy and policies contained within the South East Plan and Winchester District Local Plan(Review) 2006.
- 9.2 It is recommended that planning permission be refused for the following reasons:
- (i). The proposal is an unsustainable form of development in that it is located away from existing urban areas and will result in an over-reliance on the private car for access and transport purposes. This would result in an unacceptable increase in the number and length of car journeys to the detriment of the environment and the locality which harm the visual character and tranquillity of this part of the South Downs National Park. The proposal is therefore contrary national policy guidance set out in PPS1, PPS4, PPS7 and PPG13, policies C2, CC1 and SP3 of the South East Plan, and policies CE17 and DP4 of the Winchester District Local Plan Review 2006.
 - (ii). The roads leading to and from the site are of inadequate width to accommodate safely the additional traffic which the proposed development would generate. Additionally the existing access to the site is restricted by virtue of providing inadequate visibility splays. As such the proposal is likely to have a detrimental impact on highway safety contrary to policy T2 of the Winchester District Local Plan (Review) 2006.
- 9.3 It is also recommended that consideration of expediency for enforcement action be delegated to the Director of Planning in consultation with the Senior Solicitor.

10. Crime and Disorder Implications

- 10.1 It is considered that the proposal does not raise any crime and disorder implications.

11. Human Rights Implications

- 11.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

12. Equalities Act 2010

- 12.1 Due regard, where relevant, has been taken to the South Downs National Park Authority's equality duty as contained within the Equalities Act 2010

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Appendices Location Map
SDNPA Consultees Monitoring Officer & Senior Solicitor.

Background Documents
Letters of representation from members of the public
Observations of Owslebury Parish Council
Highway Authority comments
English Heritage comments
Hampshire County Council Ecology Comments
Winchester City Council officer comments
PPS1
PPS4

PPS5
PPS7
PPS9
PPG13
Circular 20/10
Winchester District Local Plan Review 2006
South East Plan 2009