
APPLICATION NO.	19/02193/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	04.09.2019
APPLICANT	Mr Paul Earle, Pearl Mechanical Ltd
SITE	Dunwood Chipping Depot, Salisbury Road, Sherfield English, SO51 6FF, SHERFIELD ENGLISH
PROPOSAL	Construction of workshop, store and office for ancillary B8 and B2 uses (Amended scheme)
AMENDMENTS	Additional information submitted 24/01/2019
CASE OFFICER	Mrs Sarah Appleton

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of a Member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The site relates to an area of hardstanding on the north side of the A27 at Sherfield English. The site has been used to store road construction and maintenance materials within Class B8 of the Use Classes Order. The site is currently being used to store vehicles. The site has direct access of the A27.

3.0 PROPOSAL

3.1 The proposal involves the erection of a workshop store and office. The building would have a footprint of approximately 25 x 18.2 metres and would have a pitched roof with a ridge height of approximately 9.3 metres. The building would be constructed from steel cladding.

3.2 It is proposed to use the building in relation to the existing, lawful B8 use of the site (see the history of the site below) and would provide welfare facilities for staff, along with an office area. The building would provide a workshop which the information accompanying the application states would be used to maintain the fleet of vehicles of the company who previously occupied the site (RPS) along with maintaining, servicing and repairing other vehicles.

4.0 HISTORY

The most relevant planning history for this site is as follows:

4.1 19/01764/CLES - Certificate of lawful existing use for the commencement of Planning Permission 16/00756/FULLS - Construction of workshop, store and office for ancillary B8 and B2 uses – ISSUE CERTIFICATE 11/09/2019.

4.2 18/02369/FULLS - Construction of workshop, store and office for ancillary B8 and B2 uses (amended scheme) – WITHDRAWN 22/10/2018.

4.3 16/00756/FULLS - Construction of workshop, store and office for ancillary B8 and B2 uses – PERMISSION subject to conditions 23/09/2016.

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No development shall take place above foundation level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been 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 the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.
3. The workshop, store and office building hereby permitted shall not be used outside of the hours of 0800 and 1800 Monday to Saturday and shall not be in use at any time on a Sunday/Public Holiday.
Reason: In the interests of surrounding residential amenities in accordance with policy LHW4 of the Test Valley Borough Revised Local Plan 2016.
4. Prior to the commencement of development the access shall be constructed with the visibility splays of 2.4 metres x 160 metres to the west, and 2.4 metres x 45 metres to the east and maintained as such at all time. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metres above the level of the existing carriageway at any time.
Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.
5. Prior to the first use of the building hereby permitted, a footway shall be constructed from the access in a westerly direction to the Bus Stop adjacent Newtown Lane and a standing area provided at the opposite bus stop.
Reason: In the interests of highway safety in accordance with policies T1 and COM15 of the Test Valley Borough Revised Local Plan 2016.
6. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
TV/580/AP/001 – Site Location Plan
TV/580/AP/002 – Block Plan
TV/580/AP/003 – Floor Plan & Elevations as Proposed
Reason: For the avoidance of doubt and in the interests of proper planning.

Planning history for the area adjacent to the site:

- 4.4 19/01527/CLES – Certificate of existing lawful use for the use of land for storage of road construction and maintenance materials – UNDER CONSIDERATION

5.0 **CONSULTATIONS**

- 5.1 **Trees** – No objection.

- 5.2 **Ecology** – No objection subject to conditions.

5.3 **Environmental Protection** – Comments:

- The current application seems quite similar (except the location of the workshop building). The new position is better given the orientation of the roller doors is now eastward not directed towards the residential properties.
- Otherwise, commentary on the previous application 18/02369/FULLS still seems valid. Would recommend that any consent should be subject to protective conditions as proposed in respect of the earlier iteration of the scheme:
 - Construction work shall unless otherwise agreed in writing by the local planning authority, only take place between Monday and Friday 07:30 hours to 18:00 hours and Saturday 08:00 hours to 13:00 hours except on Bank Holidays when no such work shall occur. No such work shall occur on Sundays.
 - The building hereby permitted shall not be used outside the hours of 0800 and 1800 hours Monday to Saturday and shall not be in use at any time on a Sunday/Public Holiday.
 - Fixed plant and equipment shall not be installed as part of the development unless approved in writing by the local planning authority. Submitted details shall where necessary, include a scheme to protect residential amenity from noise from such plant or equipment. Approved plant and equipment shall be maintained so as to continue to operate in accordance with the approved scheme.
 - The use of the workshop shall be limited to operations associated with the servicing and repair of road vehicles.
 - Plant or machinery used for the maintenance or repair of road vehicles shall only be operated within the workshop when all roller doors are closed.
- Recommend that the Environment Agency are consulted in case there is an overlap between this change and the Environmental Permit.
- Continue to suggest more confined hours of operation than those sought for the reasons given in my reply in 2018.
- In respect of the 4th point, the intent here is to ensure that more offensive B2 cannot occur on the site to that set out in the justification for the development given in the application papers.

Summary of previous comments received in relation to 18/02369/FULLS:

- TVBC has been in receipt of complaints concerning noise from this site. These relate, in the main to ‘machinery’ noise, the dominant noise being associated with the operation of a concrete crusher in the yard. Concerns have also been raised in relation to noise outside normal working hours. It is understood that the operation is subject to an Environmental Permit regulated by the Environmental Agency which controls noise emission from the operation.
- There does not appear to be a close relationship between the proposal before you and the current issues of local concern. However, it appears that the use would in part be ancillary to the current operations on site and in part facilitate additional operations; limited to the servicing and repair of vehicles – would suggest that the Environment Agency be consulted in case the proposal has any implications for the operation of the existing permit.
- Looking at the previously permitted application (16/00756/FULLS), intervening distance is of the order of 200 metres giving an expected noise reduction of 57dBA. There is no supporting acoustic assessment with the application, but I would not expect that most conventional maintenance activities to be significantly audible over that distance. Nonetheless it would be prudent for roller doors to be kept closed during maintenance activities.
- Note slightly expanded operational hours are requested from those currently permission – would recommend that any consent should have similar hours restrictions to those established in 16/00756/FULLS.
- Have some reservations about the overall consent being sought i.e. the reference to B8 and B2 use, whereas it seems clear that the aim is to provide vehicle maintenance facilities which would presumably be captured by the B2 use. Furthermore, some types of B2 use might be more objectionable than that proposed here, especially if background noise levels are low. As such, and in the absence of an assessment of acoustic conditions in the vicinity, would also recommend that the permitted use ought to be restricted to the types of activity proposed in the application form.

5.4 **Environment Agency** – No objection subject to conditions.

5.5 **Highways** – No objection.

6.0 **REPRESENTATIONS** Expired 18.10.2019

6.1 **Sherfield English Parish Council** – Object:

“The reasons for the objection are: a) the materials specified for the garage/workshop appear inadequate to contain the noise that will be generated – levels of noise the parish council anticipate to be incompatible with the countryside and will adversely impact on residents locally; b) An increase in heavy traffic to the site is also a concern particularly as the access here is poor onto a very busy main road.”

6.2 **8 x letters** objecting to the proposals on the following grounds (summarised):

General

- This application appears to be for a stand alone vehicle repair unit for which the site does not have existing planning permission.
- Should be noted that this site has current planning permission for construction of a building with ancillary B2 and B8 usage and the site is vacant and has not been used for B8 storage for some time.
- Within 1 mile in each direction on the A27 there are already at least 3 vehicle maintenance/MOT businesses.
- The supporting documentation is out of date and misleading and it should be resubmitted to contain correct and up to date information.
- Stated that the site currently employs 4 people but the applicant themselves state that the site is empty.
- How can construction of a building be considered ancillary when there is no storage or employment on site?
- States no previous planning consideration but there have been on going complaints about illegal usage of the site.
- Door specifications given seem only to apply to hinged personnel entry doors and not roller shutters
- No accurately scaled plans have been submitted.
- All previous planning conditions must be included with any new permission.
- If minded to approve, conditions should be added to improve the soundproofing of the building and to ensure that the doors are kept closed at times other than when vehicle entry is required. Also request that operating hours be restricted to a normal working day of 8:30am to 5:00pm with no weekend working.
- A limit on the number of vehicle movements would be highly desirable to reduce vehicle noise, as would improvement to the site entrance in the interests of road safety.
- Circumstances since 2016 (when the original building was permitted) have changed- the main reason put forward to justify the development was that RPS had a license to operate vehicles from the site and the applicant had an agreement to service those vehicles. Also that the two reserve drivers based at the site had no welfare facilities. RPS left the site in 2018 – there are no employees in need of relief facilities and no vehicles in need of maintenance. This is probably why the applicant has introduced the MOT testing function to the facility – this is completely unnecessary at this location.
- As the primary justification for the development no longer exists it is questionable that the scheme should be allowed to proceed at all.
- The granting of ancillary B2 permission is actually unnecessary for the garage function and gives potential for expansion of industrial activities on the site.
- The site and any related buildings should only have B1 status. The area and height of the proposed building clearly demonstrates the intention to intensify further the activity on this site.

- There is currently no employment on this site which has now been unoccupied since December 2018. Industrial activity on this site at any level is not providing employment for local people so this cannot be used as a reason to allow this development.
- Applicant must re-apply with accurate supporting information as it is now more than 3 years out of date and factually untrue. Entire justification for this building must be questioned.

6.3 Trees/Ecology

- Impact on the area needs reassessing given that a significant amount of surrounding woodland has been removed by the applicant making the maps submitted incorrect and misleading.
- Biodiversity statement is inaccurate – there are water courses adjacent to this site.
- Site lies within Mottisfont Bats SAC. Impact of increased noise levels and restrictions on lighting should be considered and conditions imposed to reduce possible impact
- Storage of any trade effluent should be considered and detailed. Areas should be bunded to prevent accidental leakage of chemicals into the watercourse.
- Would appear that trees which are protected, have been cleared, this should be investigated.

6.4 Amenity

- There have been noise pollution problems with this site – acoustics at the base of the valley in this very quiet rural area mean that noise travels some distance – careful consideration must be given to understand the impact of site noise to local residents.
- Construction materials should have high levels of acoustic reduction. No details have been given for roller doors. .
- Noise attenuation of cladding and roof panels is insufficient and should have at least 45dB attenuation. Power tools employed can generate noise levels approaching 120db at 1 metre.
- Doors to repair bays should be kept shut except for entrance and exit of vehicles to reduce possible noise pollution – suggested that the design will also need to include appropriate ventilation systems and that the noise transmission of these ventilation systems should be considered and accurately detailed.
- If acoustic standards are not met, the insistence on an acoustically controlled environment is meaningless
- The activities described in the application would generate significant noise – the potential for creating noise nuisance to neighbouring residents is considerable particularly with the proposed operating hours of 7am to 6pm Monday to Saturday.
- Two potential noise sources: noise generated by working on vehicles and noise from vehicles themselves.
- There are residential properties in Newtown Road which are less than 200 metres from the proposed building – at this distance the sound level could still be in the range of 50-60db.

- Vehicle generated noise is not addressed in the current application – there would be substantial engine and exhaust noise with no apparent mitigation.
- Already experience noise from the current operations on the site when there are said to be only 8 movements per day.
- There has been no assessment of the levels of noise and the likely reverberation of the noise generated by activities at the workshop. The applicant should commission a survey to determine these.
- The current application rotates the building by 90 degrees without explanation, this should be explained and justified.
- Clear the applicant expects considerable noise to be generated but has not mitigated for this in any way. No evidence is given to show the merely re-orientating the proposal will reduce noise levels – directing the sound towards the high cliff may have the opposite effect, cause noise to amplify and resound towards neighbouring properties – a professional study is needed to assess the implications.

6.5 Design and impact on the character and appearance of the surrounding area

- Scale – building scale is not appropriate to this residential area. Notwithstanding the extant approval for the building the current application should be considered on its own merits and in light of current policies. The proposed large, metal industrial building is completely out of character with the rural area – it will certainly not “improved the character, function and quality of the area”. The scale of the building is unnecessary.
- Government has just issued new guidance giving local people more influence on design and development and the power to engage with proposals like this – we object to this proposal as out of keeping with the area, setting an unwelcome precedent.
- Proposed materials are inappropriate for a residential area.
- Believe that the proposals would cause significant harm to the landscape, contrary to policy LE17.
- There are no similar industrial buildings or activities nearby – the development would be completely out of character with the area.
- Further development in this rural area is changing it into the urban fringe or Romsey by the back door methods [sic].

6.6 Sustainability

- NPPF promotes sustainable development in both urban and rural area and stresses the need for good quality design and successful integration of buildings within their surrounding context. This document is important but not, we believe, relevant to this proposed development. Do not believe that it lends support to the application.
- Development is not sustainable – building would not be constructed from renewable or recycled material, it would not be energy efficient. It is in an isolated rural location, outside any defined settlement, with no local facilities, difficult pedestrian and cycle access and limited public transport.

- Nature of the proposed development would consume non-renewable resources. The four additional projected employees would almost certainly need their cars to commute and there would be an additional 38 or more goods vehicle movements per day on the site, resulting in a negative impact on the environment.

6.7 Highways

- Proposed development would lead to over 46 vehicle movements a day on and off the site. This indicates more than 4 per hour, not 3 as stated in the application. Many of these would be large good vehicles. Due to the narrow nature of the A27, the 50mph limit, the nature of the site entrance in a dip in the road, and the restricted visibility, this would undoubtedly cause an increased risk to road safety.
- There are no pavements in this area. The nature of the A27 makes it hazardous for cyclists. The only nearby public transport of an infrequent bus service.
- The proposal makes no provision for the use of sustainable transport.
- The proposals do not comply with policy T1.
- The current use of the upper site by HGV's from Abbey Grab Bag should be included in traffic calculations.
- The input from the Highways Dpt. To the original application should be re-assessed.
- A realistic traffic generation assessment is required – road safety must be ensured for all users.
- Consideration needs to be given to HGVs turning out of this site on to the A27, on a steep hill. Cars are often travelling in excess of the speed limit.

6.8 **1 x letter** neither objecting to or supporting the application:

"This site has a history of excessive noise generation, out-of-hours lorry traffic and disregard for maintenance of a footpath.

I would therefore not object to the principle of a workshop and office, but would request strict conditions to be applied.

In fact development of the site as small business units would be a good outcome, provided that the businesses were not noise, dust or smell generating and did not create lorry movements outside normal business hours. In short, typically B1 activities."

6.9 **Petition of 50 signatories** objecting to the planning application on the following grounds (summarised):

- Noise – site should only have a B1 status and must have maximum noise limits set, which are enforceable. Hours of operation should be 9am to 5pm with no opening at weekend or Bank Holidays.
- Previous planning decisions – application implies the site has B2 and B8 usage. This is not the case as the B2 status is ancillary to the garage being built. Which it has not. The applicant's prior conduct on this site during 2018 should also be taken into consideration.

- Overdevelopment – Sheer size of the proposed building is completely out of scale to any buildings in the surrounding area, and should be on an industrial estate rather than this countryside setting.
- Need – the applicant is now wanting to also offer MOT services, which is not in the original approved application of 2016. There are two MOT stations within one mile of this site; another is not needed. The occupants of the site left in December 2018. The building of a garage is no longer required.
- Design – unconvinced by the specification of materials given. They will not provide adequate noise insulation for the residents in this quiet rural setting. An acoustic assessment should be provided by the applicant given the orientation of the building has been changed.
- Traffic generation and safety – highways department should look again at this site as HGC's would be turning onto a 50mph stretch of the A27 with vehicles often travelling in excess of the limit. The number of vehicle movements per day should be limited.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 – Settlement hierarchy

LE17 – Employment sites in the countryside

E1 – High quality development in the Borough

E2 – Protect, conserve and enhance the landscape character of the Borough

LHW4 – Amenity

T1 – Managing movement

T2 – Parking standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Site history and fall back position
- Impact on the character and appearance of the surrounding area
- Impact on residential amenities
- Highways
- Appropriateness of imposing additional conditions on any permission considering the fall back position/lawful use at the site

8.2 **The principle of development**

The site is situated in a countryside location as defined by the Test Valley Borough Revised Local Plan 2016 (RLP). Policy COM2 of the RLP only allows development in such areas where there is an essential need for the development to be located as such or where the development is considered appropriate in a countryside location as defined by the other policies contained within the RLP. In this instance, policy LE17 is relevant.

8.3 Policy LE17 relates to the redevelopment, extension of buildings or the erection of new buildings on existing employment sites for employment use. Policy LE17 allows such developments provided that:

- a) it is contained within the lawful employment site; and
- b) the proposal is well related to any retained buildings; and
- c) it does not include outside storage where this could be visually intrusive

8.4 The site has an existing lawful use as an employment site (by virtue of a certificate of lawfulness issued in 2003 – ref: TVS.CLE.00070 – see paragraph 8.6) and the proposed building would be positioned within the lawful employment site. The development is therefore considered acceptable in principle provided it complies with the other relevant policies contained within the RLP.

8.5 Need

Queries have been raised in relation to the need for the proposed building in this countryside location. As explained above, the proposed building would be located within a site that can be lawfully used for employment purposes (B8 use) and would therefore be considered acceptable in principle under policy LE17 of the RLP. As a result, the applicant does not need to demonstrate that there is a need for the proposal in this instance.

8.6 **Site history and fall back position**

The established lawful use of the site and the fall back position are material considerations in the determination of this application.

8.7 Established lawful use of the site

As in paragraph 8.4 above, the site has an existing, lawful use as an employment site. The certificate of lawfulness issued under application TVS.CLE.00070 confirms that the site has a Class B8 (storage and distribution) use. This use is unrestricted (e.g. in terms of hours of operation etc.) and therefore the site can be lawfully used for any purpose falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). This is a significant material planning consideration in relation to the determination of this application.

8.8 Fall back position

Another significant material planning consideration is the fact that the site has extant planning permission for the erection of a building similar to that proposed under this current application. Application 16/00756/FULLS gave permission for a building, of similar design and scale to that now proposed. The building now being considered is also sited similarly to the permitted scheme; although on a different orientation (the proposed shutter doors are now facing west whilst the shutter doors on the approved scheme face south). A certificate of lawfulness was issued in September 2019. This confirmed that development had commenced on the 2016 permission and thus the permission is now considered extant. The applicant can implement the 2016 permission and construct the building regardless of the outcome of this current application.

The 2016 application was permitted subject to the conditions noted under paragraph 4.3 of this report.

8.9 Impact on the character and appearance of the surrounding area

The area surrounding the site is rural in its nature. The surrounding area is verdant and includes large areas of woodland. The site itself is set back from the road and is screened from views in the wider area by mature vegetation. Views into the site are available directly opposite the access point when the gates are open.

8.10 The proposed building would be a relatively large structure with an overall height of approximately 9.3 metres. The site is well screened from the surrounding area by surrounding, boundary vegetation. This would afford the building substantial screening. In addition, the building would be set back from the A27 by approximately 40 metres, further reducing its visual impact on the surrounding area. As a result, it is not considered that the proposed building would be dominant, visually from public vantage points in the vicinity and would be sufficiently screened from the area by surrounding vegetation. As a result of this and considering that the site has a lawful Class B8 use, which is typically industrial in its nature, it is considered that the proposed building would satisfactorily integrate with the character of the surrounding area. The proposals are considered to comply with policies E1 and E2 of the RLP.

8.11 Impact on neighbour amenities

In relation to separation, the proposed building would be located approximately 75 metres from the nearest neighbouring residential dwelling at Buckhill Cottage. As a result of this separation and intervening vegetation, it is considered that the proposed building would not result in any adverse impacts in terms of overbearing, loss of light or overshadowing.

8.12 With regards to noise, subsequent to the documents initially submitted with the application, the applicant has provided a further statement confirming that the proposed building would be used for ancillary B2 purposes, that being for vehicle servicing/repairs in conjunction with the lawful B8 storage use of the site. This would include vehicle repairs, servicing and maintenance. Considering the distance between the proposed building and the surrounding neighbouring dwellings along with its proposed use, it is not considered that any additional noise resulting from the development would result in any adverse impacts on surrounding neighbouring dwellings.

8.13 Notwithstanding the above, third parties are concerned about the potential noise impact the proposals would have on their amenities. In response to their particular comments and concerns, the Council's environmental protection officer has provided the following comments which are in addition to those included at paragraph 5.3.

8.14 Adequacy of materials used in the construction of the building

There are concerns that the wall/roof panels proposed in the construction of the building would not have adequate acoustic properties to prevent noise impacts to surrounding dwellings. The proposed panels (details of which were

included in the application documents) have a sound insulation of $R_w = 25\text{dBA}$. Taking into account the distance between the proposed building and neighbouring dwellings, it is considered that the panels would be sufficient to prevent adverse noise impacts from a typical workshop use.

- 8.15 Third party comments have suggested that the panels used in the construction of the building should have an acoustic attenuation of 45db. The Council's environmental protection officer has commented that such attenuation would be similar to that provided by a substantial masonry construction (and equivalent roof) and that such a structure would not be justified for the proposed use at this distance from residential uses.
- 8.16 Use of power tools
In addition to the above, in relation to comments relating to power tools generating noise levels of around 120dBA at 1 metre, the Council's environmental protection officer has referenced BS5228 *Code of Practice for noise and vibration from construction and open sites* which lists a 4 tonne hydraulic hammer used for impulsive piling of tubular steel piles as emitting only 87dBA at 10 metres, equivalent to 97dBA at 1 metre and is of the view that the proposals in this instance would not use any equipment which would generate this kind of noise emission, and in any case, sufficient distance exists between the noise source and receptor to not result in a detrimental impact on residential amenities.
- 8.17 Noise from additional vehicles
The Council's environmental protection officer has confirmed that they have commented on the proposals based on the existing activity on the site (vehicular movement is already permitted) and have considered the implications of a building for maintenance activity. They do not consider it likely that additional traffic will cause a significant change in noise generated from the site.
- 8.18 Noise survey
The Council's environmental protection officer, when looking at the context of the proposed development, does not consider it necessary for the applicant to produce a noise survey.
- 8.19 Re-orientation of the building
In relation to concerns that directing sound from the doors to the adjacent high 'cliff' may cause noise to amplify and resound towards neighbouring properties, the Council's environmental protection officer has commented that it is possible reflection could result, however has confirmed that the overall risk of adverse noise impacts from the proposals is low, particularly with the suggested conditions (one of which is to keep the doors of the building shut when machinery is in use).
- 8.20 Doors of the building to be kept shut and provision of ventilation systems
The environmental protection officer considers that keeping the doors shut when vehicles are being maintained or repaired would help to reduce noise and that this can be secured by an appropriately worded condition. In relation

to the potential provision of ventilation systems, again, this can be controlled by a condition which requires the applicant to submit details of these systems to the Council for approval before installing them. Given the relative distances between source and receptor, this would offer sufficient control over the potential noise implications to neighbouring dwellings.

8.21 **Highways**

The proposed development would result in an increase in traffic movements to and from the site. When responding to the application, the highways officer has confirmed that they do not consider that the expected increase in traffic would give rise to any material impact on the A27. The highways officer has also confirmed that they consider the existing access point to be acceptable in highway safety terms given the available visibility.

8.22 Third party representations consider that the proposals would result in an increased risk to road safety. In terms of accident history, the highways officer has confirmed that in 2018, a serious accident was recorded 50m east of Newtown Road/A27 junction and that this is the only accident recorded within the immediate vicinity of the site. Hampshire County Council records state that a motorcycle swerved and hit an oncoming car. No pattern of accidents have been identified in the immediate vicinity of the site access. As a result, there is no evidence to suggest that the increase in traffic movements associated with the development would impact on highway safety.

8.23 The permission granted under application 16/00756/FULLS included a condition to provide a footpath from the site access to the Newtown Lane junction bus stop. At the time of this application this was deemed necessary to improve the sustainability of the site. However, the current bus stops at Newtown Lane/A27 junction is serviced infrequently, 3 times per day between 10:00 and 15:00. Based on this level of service, it is considered unlikely that existing and future employees of the site will be travelling by bus. Therefore, the requirement to provide the footpath is not deemed necessary as part of this current planning application. Such a condition would not meet the relevant tests set out at paragraph 55 of the NPPF.

8.24 **Ecology**

The Council's ecologist has confirmed that the proposals are unlikely to result in impacts to protected species. Notwithstanding this, the site is adjacent to woodland and there is a concern in relation to the potential impact lighting would have to bats.

8.25 Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). Any potential external lighting at the site could result in disturbance to bats in the area. No external lighting is shown in the application documents. As such, the ecologist has suggested that a condition be added to any permission requiring details of any lighting to be provided to be submitted to and approved in writing by the Local Planning Authority before its installation. Subject to this condition, it is not considered that the proposals would result in any adverse impacts to protected species. The application is considered to comply with policy E5 of the RLP.

8.26 Appropriateness of imposing additional conditions on any permission considering the fall back position/lawful use at the site

Conditions have been recommended that were not imposed on the 2016 permission for a similar building. This extant permission on the site is a significant material consideration when determining whether conditions, over and above those imposed on the 2016 permission would comply with the tests set out at paragraph 55 of the NPPF. In this case, there needs to be careful consideration on whether additional conditions are considered necessary/appropriate considering the applicant's fall back position and the lawful use of the site (paragraphs 8.6 – 8.8).

8.27 Conditions in relation to the noise impact of the development.

Since the 2016 permission was granted, complaints have been received by the Council in relation to the use of machinery on the site. Whilst the machinery has since been removed, this has demonstrated that noise from machinery, used within the site, could, potentially result in an adverse impact in terms of noise on the amenities of neighbouring dwellings. Whilst a potential noise impact has been identified, it should be noted that conditions on this application are only appropriate where they relate to the proposed building. This application cannot be used to control the existing, lawful B8 use of the site.

8.28 As confirmed by the Council's environmental protection officer, the use of the building as proposed would not, due to its nature, be likely to result in any adverse impacts on terms of noise on surrounding residential amenities (paragraphs 8.12-8.20). This use would also be constrained to the proposed building and thus any maintenance and/or servicing of vehicles should not be taking place outside the building. This area would retain its lawful, B8 use. In order to ensure that any general industrial activity is operated only within the building and to ensure that any noise from machinery is contained within the building, it is considered appropriate and necessary to add conditions to any permission restricting the proposed B2 use to the building only and to require the applicant to keep the roller shutter doors closed when machinery is in use.

8.29 In relation to outside plant fixed to the building, again, as noise from machinery used within the site could potentially result in an adverse impact in terms of noise, it is considered appropriate and necessary to add a condition to any permission requiring details of any plant, fixed to the building be approved prior to its installation.

8.30 Condition in relation to lighting

Potential impact in relation to lighting on bats is a material consideration. Considering the Council's responsibilities in relation to the Habitats regulations, the environment surrounding the site being suitable for bats, it is considered appropriate and necessary to add a condition requiring a lighting scheme to be submitted if external lighting is proposed (see paragraph 8.25).

9.0 CONCLUSION

9.1 The proposed development is considered acceptable in principle and, subject to conditions, would result in any adverse impacts on the character and appearance of the surrounding area, residential amenities, or ecology. It is not considered that the proposals would result in any adverse impacts on highway safety. As a result, it is considered that the proposals would comply with the relevant policies contained within the Test Valley Borough Revised Local Plan 2016.

10.0 RECOMMENDATION

PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
2. **No development shall take place above foundation level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been 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 the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
3. **The workshop, store and office building hereby permitted shall not be used outside of the hours of 0800 and 1800 Monday to Saturday and shall not be in use at any time on a Sunday/Public Holiday.
Reason: In the interests of surrounding residential amenities in accordance with policy LHW4 of the Test Valley Borough Revised Local Plan 2016.**
4. **The use of the building hereby permitted shall be limited to operations associated with the servicing and repair of road vehicles ancillary to the existing lawful B8 use of the site.
Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.**
5. **Any plant or machinery used for the maintenance or repair of road vehicles shall only be operated within the building hereby permitted when all roller doors are closed except to the extent as it is necessary to open roller doors for vehicle access and egress. Fixed plant and equipment shall not be installed as part of the development hereby permitted unless details have first been approved by the Local Planning Authority. Such fixed plant and equipment shall be installed in accordance with the approved details.**

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.

6. **No external lighting shall be installed until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. External lighting shall be installed in accordance with the approved details and retained as such thereafter.**

Reason: To ensure that any external lighting would not result in any adverse impacts on bats in accordance with the Test Valley Borough Revised Local Plan 2016 policy E5.

7. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

TV/580/AP/001 - Site Location Plan

TV/580/AP/002 - Block Plan

DC/18/01 03 - Proposed Floor Plans, Elevations and Section

Reason: For the avoidance of doubt and in the interests of proper planning.

Note to applicant:

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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