
APPLICATION NO.	18/02246/OUTS
APPLICATION TYPE	OUTLINE APPLICATION - SOUTH
REGISTERED	27.08.2018
APPLICANT	Shone
SITE	Tibbles Yard, Highwood Lane, Romsey, ROMSEY EXTRA
PROPOSAL	Rebuild and extend partly demolished Tibbles Barn, to form office floor space on two floors plus toilet and kitchen facilities. Landscaping of yard, removal of temporary buildings and provision of 18 parking spaces
AMENDMENTS	None
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee because it is contrary to the provisions of an approved Development Plan or other statement of approved planning policy, adverse third party representations have been received and the recommendation is for approval.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application is situated to the western side of Highwood Lane and within the countryside area of Romsey Extra Parish. The site is also situated within the identified local gap between the settlements of Romsey and North Baddesley.

3.0 PROPOSAL

3.1 The application is made in outline, with all matters other than access reserved; to rebuild and extend partly demolished Tibbles Barn, to form office floor space on two floors plus toilet and kitchen facilities. Landscaping of yard, removal of temporary buildings and provision of 18 parking spaces.

4.0 HISTORY

4.1 GPDO Class R Notification

Class R of the GPDO permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order. Where the cumulative floor space of the building or buildings does not exceed 150 square metres no application for prior approval is required. Developers are only required to provide the following information to the local planning authority:

- (i) the date the site will begin to be used for any of the flexible uses;
- (ii) the nature of the use or uses; and
- (iii) a plan indicating the site and which buildings have changed use;

The Council was notified by letter dated 24th October 2016 stating that, in accordance with Class R, it was intended to use two existing agricultural buildings for a flexible commercial use, in this case B8 storage. As a result an existing lawful employment use has been established on the site.

- 4.2 18/02060/FULLS - Temporary change of use of the land, and retention of a steel building and a shipping container for storage purposes in connection with a business, for a temporary period of up to 18 months (retrospective). Refused 29.10.2018.
- 4.3 15/02064/FULLS - Temporary change of use of the land and existing barn and the retention of a steel building and shipping container for storage purposes in connection with a business for a temporary period of two years. Refused 08.04.2016.
- 4.4 TVS.09516 - Change of Use of redundant farm buildings to employment use (Class B1) and to include refurbishment of Tibbles Barn, Side Barn and old silo, construction of cycle shed and bin store with associated parking and works. Refused 10.05.2002.

5.0 **CONSULTATIONS**

5.1 **Planning Policy & Transport (Policy) – No objection.**

- The application site lies outside of the settlement boundary and is therefore within the countryside (see Map 3 in the Local Plan). Development outside of settlement boundaries will be permitted if: a) it is a type appropriate according to RLP policy COM8-COM14, LE10 or LE16-LE18; or b) it is essential for the proposal to be located in the countryside.
- The site consists of a partly demolished barn (seeking to be rebuilt and extended) as well as two temporary buildings (a shipping container and a metal building) which are sought to be demolished. The temporary buildings were formerly used for agricultural purposes but have since undergone a change of use to become flexible commercial units (Class B8 storage). This change of use was granted through permitted development under Class R) which allowed the change of use of the buildings and any land within their curtilage to a flexible commercial use. As such the development area can be considered an employment site, triggering policy LE17.
- The Revised NPPF (2018) is a material consideration. Paragraph 83a). states planning decisions should facilitate the sustainable growth and expansion of all types of business in the rural areas, including through the conversion of existing buildings.

5.2 **Planning & Building (Landscape) – Comment;**

- The site has no landscape designations; however it is located within the Romsey/North Baddesley Local Gap. A public right of way (Footpath 15) is located 240m north of the site.
- The site can be viewed from Highwood Lane as well as from the footpath to the north. Although 240m away, the field between the path and site is used for turf cultivation and has open views across to the site.
- With regards to the principle of a converted barn/office development on the site of the former barn there is no landscape objection in principle; however the drawings proposed show a substantial building at three stories in height which is significantly bigger than that of the original building. The size and scale would have a considerable impact on the local and wider landscape character and would be considered inappropriate in this location.
- Due to the sites rural nature, soft landscaping should be kept native and fit with the local context. The car park area engulfs a considerable area of the plot and would significantly change the character of the site; it is essential that a high quality landscaping scheme is implemented to break up this parking in a rural area. Car park materials should be kept informal i.e. loose gravel, tarmac or a hard surfacing would be inappropriate.

5.3 **Highways – No objection.**

5.4 **Ecology – No objection.**

6.0 **REPRESENTATIONS** Expired 02.11.2018

6.1 **2 representations of Objection received;**

- The application proposes business/commercial use in a residential area.
- Excessive provision of parking resulting in highways safety impact at the access.
- Increased volume of traffic on Highwood Lane.
- Proposals should be located on an industrial site.
- Previous applications for similar use have been refused.
- Overdevelopment of the area.
- Loss of amenity from overlooking.

6.2 **1 representation of Support received;**

- Investment in derelict buildings has and will result in an improvement to the area.
- The site has become dilapidated and unsightly and would be improved by the attractive barn style building.
- Creation of local employment.

7.0 **POLICY**

7.1 **National Planning Policy Framework 2018**

7.2 **Test Valley Borough Local Plan 2016 – 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), E3 (Local Gap), E7 (Water Management), E8 (Pollution), LHW4 (Amenity), T1 (Managing Movement), T2 (Parking Standard).

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle for development, character of the area, highways, protected species & ecology and the amenities of neighbouring properties.

8.1 The application site is located with the designated countryside as outlined in the local plan. The proposal is therefore considered in relation to the countryside policy COM2. This policy sets out that development will only be permitted where there is an overriding need for a countryside location, or it is a type appropriate within the countryside as identified in the relevant policies.

8.2 Representations have raised concern that the application would introduce commercial activity to a residential area. However the change of use of the existing barn and silo to storage (Class B8) is permitted development. Prior notification under permitted development Class R has been made and as a result the existing barn and silo, and their respective curtilages are in an existing lawful employment use to which Policy LE17 would apply.

8.3 Policy LE17 states that the redevelopment, extension of buildings or erection of new buildings on existing employment sites for employment use will be permitted 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 In this case it is evident that the existing buildings of the barn and silo were the subject of a notification under Class R of the GPDO for change of use from agricultural buildings to a flexible commercial use. The use proposed was identified as Class B8 storage. However Class R is clear that the resultant use should be considered Sui Generis rather than resulting in a wider B8 use being established. It is nevertheless considered that a lawful employment use has been established on the site. As is identified above Class R permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within various Classes including Class B8 (storage or distribution) of the Schedule to the Use Classes Order. The curtilage of the barn and silo are not defined by any enclosure from the wider site. However the remaining footprint of the frontage barn and the other land within the wider site are not contained within any curtilage area established under Class R and are therefore beyond the

extent of the lawful employment site. Its inclusion in the application for employment uses is therefore contrary to criterion a) of policy LE17. However, the supporting text of Policy LE17 aims to secure redevelopment that “deal comprehensively with the whole site” and states that “Proposal which involve the extension of the site boundary into the countryside would be considered on their individual merits.

8.5 Policy LE16 permits the re-use of buildings in the countryside for commercial use, subject to criteria. The first of those criteria requires that the building to be converted is structurally sound and suitable for conversion without substantial rebuilding, extension or alteration. The existing Tibbles barn has been demolished to its brick course following the collapse of the timber structure. As a result it is not considered that the extent of rebuilding work and conversion would be acceptable under policy LE16. As a result its potential for conversion carries very limited weight when considering the use of the wider site for employment purposes.

8.6 NPPF 2018

Paragraph 83 of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

8.7 Paragraph 84 also states that “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

8.8 The current proposals, to extend the existing employment area to the wider site are therefore contrary to TVBLP policy LE17 as described above (para 4.1). However it is considered that in the light of the NPPF, the supporting text of policy LE17, the economic benefit of the proposal and the relevant material considerations detailed below that the proposals represent an acceptable departure from local plan policy.

8.9 **Character & Appearance**

Policy E3 permits development within local gaps provided that it would not diminish the physical and/or visual separation between settlements; and would not individually or cumulatively compromise the integrity of the gap. Para 7.28 of the supporting text clarifies that the purpose of the policy is not to prevent all development within the gap. In some circumstances where the proposal is of rural character, such as agricultural buildings, and has minimal impact on the purpose of the gap, these may be permitted.

- 8.10 Public views of the site are available from Highwood Lane to the east and from Footpath 15 situated approximately 240m to the north of the site. The Landscape Officer has raised no objection to the principle of a converted barn/office development on the site of the former barn. However the indicative drawings proposed show a substantial building at three stories in height which appears to be significantly larger than the former barn building. It is likely that a development the scale of that shown on the indicative plans would have a considerable impact on the local and wider landscape character, including the local gap.
- 8.11 However the application is made in outline with all matters, other than access, reserved. As a result the appearance, layout, scale and detailed landscaping would be considered at the reserved matters stage. As highlighted by the Landscape Officers comments it is considered that a redevelopment of the site, including the rebuilding of the frontage barn, could be designed and landscaped in such a way that improved the overall character of the site and minimise any adverse impact on the local gap. As a result it is considered reasonable to anticipate that a satisfactory scheme for development could be achieved at reserved matters stage whilst respecting the character and appearance of the area, and local gap designation. This may not be the same scheme as that which is shown indicatively on the accompanying drawings.
- 8.12 **Amenities of neighbouring properties**
Representations have raised concern in relation to the impact of the proposed development on the amenity of neighbouring properties. Specifically with regard to overlooking and noise impact from parking areas.
- 8.13 The nearest neighbouring properties are Highwood Farmhouse situated to the north of the site and 1 & 2 Luzborough View to the south. As previously described the application is made in outline with matters of layout, scale and design reserved. However the scheme is supported by an indicative plan illustrating what potential impacts on amenity could result.
- 8.14 The reconstruction of the barn on the frontage of the site, subject to the concerns on scale, is unlikely to have any adverse impact on amenity. However the extension shown on the indicative plan adjacent the northern boundary of the site has some potential to impact on the amenities of Highwood Farmhouse. The extension would be on the boundary between the properties and as a result there is potential for overlooking to the neighbouring property. However, as is shown on the illustrative drawings, there is no need for openings to be present on the northern elevation to serve the office use. In addition a suitable scale would not result in any additional overshadowing or overbearing impact. This will be the subject of further assessment at reserved matters stage.

8.15 There are no principled objections relating to noise and the impact upon amenity as it is anticipated that an office use falling within Class B1(c) would be compatible with neighbouring residential uses. However the indicative layout shows parking extending into the rear of the site and representations have expressed concern that the arrangement would result in increased noise and disturbance. The Environmental Protection Officer has noted the indicative arrangement appears to have an unrestricted noise propagation path to the external amenity space serving the residential property to the north. Whilst the permitted storage uses on the site would be expected to generate some noise impact the wider site is a relatively quiet location. External noise from vehicles arriving in the car park and staff might well have impacts upon residential amenity; more so were this occurs during unsociable hours. As a result any reserved matters application would need to show a suitable arrangement of parking and, if necessary, any noise attenuation measures. Furthermore the indicative layout appears to show an over provision of parking spaces and, combined with an appropriate scale, an appropriate reserved matters submission would likely have less parking than is shown on the indicative layout. In addition the proposed development would likely result in a reduction of any noise impact from the existing use.

8.16 The application is made in outline with all matters, other than access, reserved. It is considered that, subject to the constraints discussed above that a reserved matters scheme could be presented that avoids any adverse impact on the amenity of neighbouring properties.

8.17 **Highways**

The application is outline with only access to be considered in detail. The HCC Highways Officer has confirmed that there are no in-principle objections to the proposed development. Vehicular visibility is considered sufficient and the introduction of a development of this scale in traffic impact terms is considered acceptable in terms of highway safety. The Highways Officer has further advised that any reserved matters application will be required to demonstrate that the internal layout of the site is suitable in terms of manoeuvring and servicing and should be supported by swept path analysis. As is noted above the Highways Officer has also commented that the proposed level of parking provision (18 spaces) appears to be above that of TVBC's adopted standards and would need to be amended and/or further justified in any reserved matters submission. The proposed outline application and detailed consideration of the access would however have no significant adverse impact on highways safety and therefore complies with policy T1 of the TVBRLP.

8.18 **Biodiversity & Protected Species**

The Ecology Officer has raised no objection to the proposed development. The site has largely been cleared of vegetation and is already partially in use as a temporary store. The barn that is subject to this application has largely collapsed leaving only the lower brick plinth and has no remaining roof or major structural timbers. It is therefore unlikely to support bats. The proposed development is considered to have no adverse impact on protected species and complies with policy E5 of the TVBRLP.

8.19 **Economic Benefits**

The proposed development would create employment opportunities and additional construction employment during development. The economic benefits are considered a material consideration in favour of the proposals.

9.0 **CONCLUSION**

9.1 The proposed employment use would extend beyond the current permissions but policy deal comprehensively with the whole site. The development would enable the sustainable growth and expansion of business in a rural area as is encouraged by the NPPF and result in economic benefit. As a result the proposals are considered to be a suitable departure from Policy LE17.

9.2 In addition a suitably designed reserved matters submission would reinstate the collapsed barn and, in conjunction with appropriate landscaping, generally uplift the character of the site. Furthermore a well designed scheme could improve the noise environment and reduce amenity impact compared to the existing uses.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **Applications for the approval of all the reserved matters referred to herein shall be made within a period of three years from the date of this permission. The development to which the permission relates shall be begun not later than whichever is the later of the following dates:**
 - i) **five years from the date of this permission: or**
 - ii) **two years from the final approval of the said reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.****Reason: To comply with the provision of S.92 of the Town & Country Planning Act 1990.**
2. **Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (herein after called "the reserved matters") shall be obtained from the local planning authority in writing before the development is commenced.****Reason: To comply with Article 4 of the Town and Country Planning (General Management Procedure) (England) Development Procedure) Order 2015 (or any order revoking and re-enacting that Order).**
3. **No development shall take place above DPC 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.**

- 4. There shall be no construction or demolition works, no machinery shall be operated, no processes carried out and no deliveries received or dispatched outside the following times: 07:30 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on Saturday. In addition, no such activities shall take place on Sundays, Bank or Public holidays.**

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.
- 5. No development shall take place unless or until an Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall cover the control of noise and dust during the demolition, site preparation and construction phases of development. Work shall be undertaken in accordance with the approved Environmental Management Plan.**

Reason: In the interests of the amenities of neighbouring properties in accordance with Test Valley Borough Local Plan policies E8 and LWH4.
- 6. Prior to the commencement of development full details of the layout for the parking and manoeuvring onsite of contractor's and delivery vehicles during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**

Reason: In the interest of highway safety in accordance with Test Valley Borough Local Plan 2016 policy T1.
- 7. Prior to the commencement of development detailed proposals for the sustainable disposal of foul and surface water and any trade effluent shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the first occupation of the building.**

Reason: To ensure a satisfactory form of development and in the interest of local amenities in accordance with Test Valley Borough Revised Local Plan 2016 policy E7.
- 8. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to first installing any such lighting before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.**

Reason: To safeguard the amenities of the area and/or in the interests of road safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
- 9. The development hereby approved shall not be occupied until evidence that the development achieves the BREEAM(Building Research Establishment Environmental Assessment Method) 'excellent' credit for water consumption (reference Wat 1), or equivalent, has been submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Local Plan 2016.

Note: The evidence required could comprise an appropriate final BREEAM Certificate or written details from an accredited professional showing that the BREEAM standard had been met.

10. No development shall take place above DPC level of the development hereby permitted unless and until details of any proposed external plant and equipment have been submitted to and approved in writing by the local planning authority. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the same being brought into use.

Reason: In the interest of the amenities in the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

11. At least the first 4.5 metres of the access track measured from the nearside edge of carriageway of the adjacent highway shall be surfaced in a non-migratory material prior to the use of the access commencing and retained as such at all times.

Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

12. Prior to the first occupation of the development hereby permitted the existing silo, shipping container and metal shed as shown on the Location Plan (dated 23rd August 2016) shall be removed from the site.

Reason: To ensure the development has a satisfactory appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E3.

Notes to applicant:

1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of 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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