

OFFICER REPORT FOR COMMITTEE

DATE: 24 April 2019

**P/19/0028/FP
BORDERLAND FENCING**

**SARISBURY
AGENT: BRYAN JEZEPH
CONSULTANCY**

REPLACEMENT BUILDING/RECLADDING OF EXISTING GLASSHOUSE FOR
STORAGE AND MANUFACTURING USE

NEW ROAD, SWANWICK, SO31 7HE

Report By

Kim Hayler – direct dial 01329 824815

1.0 *Introduction*

- 1.1 The application is reported to the Planning Committee due to the number of representations received.
- 1.2 Officers have been investigating a number of reported planning compliance issues at this site over a period of some time. As a result of this it came to the attention of Officers that the site had expanded into areas not included within the original planning permission, including the use of a former glasshouse at Columbo Nursery.
- 1.3 The applicant submitted an application for a Lawful Development Certificate in May 2018 claiming that the extended areas had been used as part of the business for over ten years. The Certificate was issued in part only as officers concluded there was insufficient evidence to demonstrate the glasshouse had been used for a period in excess of ten years.
- 1.4 In the absence of a planning application seeking to regularise the use of the glasshouse, an Enforcement Notice was served in September 2018 requiring all works within the glasshouse to stop. An appeal has subsequently been lodged and is awaiting validation by the Planning Inspectorate.
- 1.5 A further application for a Lawful Development Certificate was submitted in October 2018 providing further evidence that the glasshouse had been used as part of the business for ten years. However, on the balance of probabilities, the submitted evidence was not sufficiently precise and unambiguous to support the applicant's claim that the glasshouse has been used as part of the business for a continuous period of more than ten years. As a result, the Certificate was refused by the Council.

1.6 The current application has been submitted as set out below in order to address the unauthorised use.

2.0 Site Description

2.1 The business, Borderland Fencing, lies on the eastern side of New Road Swanwick 220 metres north of its junction with Swanwick Lane.

2.2 The business has been operating on the site since the early 1990's. The pattern of activity has grown over time.

2.3 The glasshouse, the subject of this application, is situated directly to the south of the Borderland Fencing site and measures some 39 metres x 35 metres. It is currently accessed from the north-western corner of the yard area and a concrete ramp has been constructed internally in order to assist access.

2.4 The site lies outside of the urban settlement boundary.

3.0 Description of Proposal

3.1 In 2016 significant works were undertaken inside the glasshouse, including a new concrete floor and new access ramp. During these works, damaged or dangerous parts of the building were dismantled; this included many of the overhead glass panels. Following the removal of the damaged sections, some of the main walls that were previously glazed were replaced with timber panels. These works stopped once officers advised planning permission was required.

3.2 This application seeks planning permission for the replacement of the former glazing and recladding of the building in timber and the roof with metal sheeting and for the use of the new/renovated building for storage purposes with some limited manufacturing.

3.3 The predominant use of the glasshouse is storage, including timber panels, for fences and sheds, together with some storage of metal fences, gates and panels/hoardings, some of which will be stored on behalf of the contracting side of the business. Some of the space may also be used as a covered work area, for tasks such as de-nailing hoardings, painting panels/rails and repairs to metal railings and gates. These processes will generally involve only hand tools, although the repair of fences/gates may involve occasional use of welding and grinding tools.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5 Transport Strategy and Infrastructure
CS14 Development Outside Settlements
CS17 High Quality Design

Adopted Development Sites and Policies

DSP2 Environmental Impact
DSP3 Impact on living conditions
DSP9 Economic development outside of the defined urban settlement boundaries

Other Documents:

National Planning Policy Framework

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

P/97/0558/FP – Construction of timber fencing and associated storage of timber materials – Permission August 1997

P/99/0749/TR – renewal of P/97/0558/FP – Permission September 1999

P/00/0532/FP – retention of servicing/storage area and car park in association with the manufacturing of timber fencing – Permission February 2001

P/01/0699/FP – Erection of replacement buildings – Permission September 2001

P/04/0926/VC – Variation of Condition 1 of P/99/0749/TR and P/01/0699/FP (Continued use for construction of timber fencing and associated storage) and retention of buildings – Permission August 2004

P/04/1319/TR – Retain service area and car park (renewal of P/00/0532/FP) - Permission October 2004

P/09/1125/FP – Retention of workshop extension, cement store, retaining wall and parking area; erection of a 2.45 metre timber fence and 2.4 metre palisade fence and gate; and provision of concrete hardstanding - Withdrawn

P/18/0197/LU – Lawful Development Certificate for mixed use of the site for manufacture of timber products, storage and distribution for contractors, including operational development – Granted in part – 9 May 2018

Enforcement Notice served requiring the use of the glasshouse for the manufacture and storage of fence panels and other wood products to cease. Notice dated 24 September 2018 – Appeal lodged

P/18/1212/LU – Lawful Development Certificate for mixed use of the glasshouse for storage and manufacturing (Use Class B8 and B2) – Refused 14 January 2019

6.0 Representations

6.1 Thirteen objections from twelve households, including a representation from the BurrIDGE and Swanwick Residents Association have been received raising the following comments:

- The development is contrary to local and national planning policies;
- Unlawful expansion has led to increased noise, dust and congestion in New Road and Swanwick Lane from additional lorry movements;
- The site is not suitable given the constraints of the access and proximity to residential properties;
- New Road is unsuitable to support the size and volume of traffic necessary to deliver and collect raw materials and finished goods;
- The number of smaller lorries/trucks has increased;
- Object to an industrial use in the countryside;
- The 40% increase in the business is disproportionate and will increase traffic, noise, vibration and safety;
- The application seeks to regularise manufacture/processing and storage of non timber products and materials as well as timber. Non timber products have never been permitted before and could lead to further diversification;
- The glasshouse has not provided cover since 2016 as the roof was removed and does not fall within the existing site;
- Borderland have other sites in the area so it is not essential to expand this site;

- Noise and vibration nuisance from large articulated lorries;
- The applicant shows no intention to help maintain the road;
- Air pollution from vehicle movements;
- Light pollution from lights needed within building;
- The existing conditions are not met;
- Impact on wildlife – proximity to Swanwick Nature Reserve and the Upper Hamble Estuary SSSI;
- Would not object to additional office space.

7.0 Consultations

7.1 INTERNAL

7.2 Highways –

This retrospective proposal is to replace glass on the walls and roof of a three-bay glasshouse with timber cladding and sheet steel roofing so that it can be used for the storage and refurbishment of fencing and other timber and metal products.

The site is to the south of an established timber manufacture and supply depot which has sole access via New Road from Swanwick Lane. New Road is of a restricted width, largely unsuitable for the passing of vehicles and has sub-standard visibility at its junction with Swanwick Lane.

The site is understood to attract regular deliveries of products by large articulated and draw-bar vehicles and to have a fleet of light/medium weight 'transit' size vehicles based at the site.

From the traffic data subsequently provided by the agent, a summary is that the existing daily traffic movements (in and out) are 2 HGV movements, 2-4 (7.5T) lorry movements, 40-60 flatbed truck movements and 24-30 car movements.

The test is whether the present use of the glasshouse has a material impact on the numbers of vehicles generated by the applicant's operation.

The following conclusions are made –

Given the Certificate of Lawful Use for the main part of the site, there is no concern over the present level of HGV activity;

Given the Certificate of Lawful Use, there is no concern over the low number of 7.5T lorry movements;

Given the Certificate of Lawful Use, there is no concern over the number of car movements;

There is a concern that the number of flatbed trucks has increased significantly, from 10 in year 2000, to 50 at present. The following supplementary questions need answers –

Have the numbers of trucks increased as a result of, and since the glasshouse has been used?

What is the risk that the number of trucks operated will continue to increase?

Would the number of trucks decrease if permission was refused?

7.3 **Environmental Health -**

No objection

8.0 **Planning Considerations**

8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Planning policy and the principle for the expansion of an existing employment site outside of the defined urban settlement boundary
- b) Character and appearance of the area
- c) Impact on neighbouring residential properties
- d) Highway implications
- e) Impact on neighbouring residential properties from noise and disturbance from vehicles associated with use
- f) Conclusions

9.0 a) Planning policy and the principle for the expansion of an existing employment site outside of the defined urban settlement boundary

9.1 Policy DSP9: Economic Development Outside of the Defined Urban Settlement Boundaries states:

'Proposals for new economic development outside of the defined urban settlement boundaries (as identified on the Policies Map), will only be

permitted provided that a sequential test has been carried out and no more preferable sites have been identified and, subject to the scale of the proposal, an impact assessment has been carried out and it has demonstrated that there are no significant impacts taking account of relevant national planning policy.

Proposals for the expansion or intensification of existing employment sites/areas outside of the defined urban settlement boundaries will only be permitted where:

- i. development is essential to the operation of the existing businesses; and*
- ii. development can be accommodated within the curtilage of the existing site.*

All new development, expansion and intensification outside of the defined urban settlement boundaries should:

- iii. not be of a disproportionate scale to the operational requirements of the employment site;*
- iv. not have an unacceptable adverse impact on the strategic and local road network; and*
- v. not have an unacceptable environmental impact.'*

- 9.2 The building would provide a substantial covered storage area and an area where items can be painted and repaired under cover. This is important to the business as the open yard area does not allow this facility. Furthermore, the use of the glass house frees up space within the yard area which enables vehicles to load and unload.
- 9.3 Although the glasshouse is outside of the Borderland Fencing site boundaries, it was part of a former commercial nursery directly to the south and shares a boundary with Borderland Fencing. Whilst the glasshouse has a large footprint (1365 square metres) it historically has an established commercial/employment related use. The proposed use would be predominantly storage; the manufacturing element of the business would not expand into the glasshouse. Officers are of the opinion, taking into account the former use of the glasshouse, the nature of the commercial activity in the glasshouse would not be disproportionate to the scale of the business.
- 9.4 The proposed development is not judged to have an unacceptable impact upon the highway network or have an unacceptable environmental impact as discussed below.

b) Character and appearance of the area

- 9.5 The existing glasshouse comprises of three connected tunnels of glass each with a pitched roof and extending across the site from north to south. Each tunnel is just less than 35 metres in length and made up on seven sections of an aluminium frame supported on posts. Each bay has a pitched roof just less than 6 metres in height. Together these bays provide a building that is 39 metres wide and which is open internally except for the supporting posts.
- 9.6 The site slopes gently from south to north such that the height of the building is 6 metres at its southern end and rises to 6.8 metres at its northern end.
- 9.7 The glasshouse is situated to the east of New Road and is set back from the road by approximately 45 metres, behind the dwelling known as Columbo Nursery. The glasshouse is well screened from New Road, with only upper parts visible.
- 9.8 To the south and east the glasshouse faces out across agricultural land, with a significant hedge along its eastern side. There are very limited views of the glasshouse from Swanwick Lane.
- 9.9 The application proposes that the structural frame of the building will be retained, however the glass walls would be replaced with new timber panels; on the roof, the new panelling will comprise lightweight steel sheeting, with a paint finish and 30 panels of translucent material to allow light into the space below.
- 9.10 The new cladding would take on the same overall profile of the glasshouse with timber walls 2.2 metres high on the west and east sides, rising to three gables, 6 metres tall on both the north and south elevations.
- 9.11 Officers do not believe the recladding of the glasshouse and the proposed materials would visually harm the character and appearance of the area.

c) Impact on neighbouring residential properties from noise from glasshouse

- 9.12 The nearest residential property is Columbo Nursery, sited approximately 25 metres to the west of the glasshouse. The property is separated from the glasshouse by a smaller glasshouse and a hedge.
- 9.13 New Road serves a small number of dwellings which front onto the road. The glasshouse does not immediately abut the residential boundaries of neighbouring properties.

- 9.14 The existing doors on the south side will be closed off, with three new doors on the north elevation. There will be three small personnel doors (two for fire safety) on the north, south and east elevations.
- 9.15 The activities associated with the original Borderland Fencing site to the north of the glasshouse are controlled by restrictive conditions, namely:
- No work shall take place within the application site including the operation of machinery, any process being carried out and no deliveries taken or despatched from the site outside of the hours of 0800-1700 Monday to Friday and 0800-1300 Saturday. No work shall take place on Saturday afternoon, Sunday, Bank Holidays or recognised Public Holidays.
 - All power tools (except for the fork lift truck) shall be operated within the workshop building.
 - No materials shall be stored in the open on the site to a height exceeding 1.8 metres.
 - No vehicles which are within the control of the operator of the site shall be stored or parked within New Road.
- 9.16 As the business has expanded into the glasshouse, which lies outside of the original site boundary, the above restrictive conditions do not apply since the use of the glasshouse for such purposes is currently unauthorised.
- 9.17 Currently the glasshouse is used mainly for storage of materials, including pre-manufactured sheds, fences etc. waiting for collection and installation. There are no restrictions in place which could have potential implications on the living conditions of the neighbouring residential properties.
- 9.18 The building will provide a secure, dry contained area in which to store items. Without the building, it is likely that more products would be stored on the yard area which in turn would result in potential noise from forklifts and other activities in the open. Furthermore the cladding of the building would improve its acoustic attenuation qualities.
- 9.19 The Council's Environmental Health Officer has visited the site and has no concerns relating to noise and disturbance from the use of the glasshouse.
- 9.20 Officers are of the opinion that the proposed continued use of the glasshouse would not materially harm the living conditions of the occupiers of neighbouring residential properties.

d) Highway implications

- 9.21 New Road is a private street (public highway) not maintained at public expense. Its condition gives an appearance of a rural lane. There are limited passing places, including entrances to driveways of properties.
- 9.22 Vehicle movements to and from the business can be broken down into a number of classes:
- Heavy goods vehicles (HGV – artic)
 - 7.5 tonne delivery lorry
 - 3.5 tonne flatbed trucks
 - Private cars
- 9.23 Information has been provided by the applicant which states that at present there is approximately one HGV delivery a day; one to two 7.5 tonne lorry trips per day; 20 flatbed truck trips per day and 12-15 private cars. A trip is one return visit to or from the site.
- 9.24 Borderland operate two 7.5 tonne lorries but only employ one driver, with the second vehicle operating as a backup when the first is off road. This vehicle is used daily, as a delivery vehicle for products, generally where large loads are required on a single site or where products can be delivered to a number of sites in the same areas. For this reason, it is typically used for sites that are more distant, where it is economic to have one lorry deliver to the sites rather than several smaller trucks collect from New Road. On a typical day it will make one return journey from the site each day but could be more on occasions. The lorry movements generated by the use at present with the space afforded by the glasshouse included are unlikely to be any different if the glasshouse was not available for use – for example if planning permission was refused and the use of the glasshouse for such purposes ceased.
- 9.25 Similarly, Officers do not consider that the use of the glasshouse in itself results in a material increase in other vehicles movements over and above what would be generated by the use of the lawful extent of the site.
- 9.26 As an example, the company operates a fleet of 50 small flatbed trucks, a number which the applicant has explained has increased steadily in the last 20 years. Most of these trucks are driven by contract fencers but about 20 will visit the site each day to load up with materials or to return materials to the site. It is rare for one truck to visit the site more than once a day, and many will stay away from the site for several days or a week, with contractors then

relying on deliveries to the working site by the 7.5 tonnes lorry. The applicant has provided details of the number of trucks operated by Borderland Fencing during the past five years, the period in which Officers believe the glasshouse to have been brought into use as part of the business premises. Whilst the number of trucks has steadily risen this cannot be attributed to the use of the glasshouse.

- 9.27 It should also be borne in mind that the use of the glasshouse as part of the former nursery would have generated traffic and vehicles movements in the past, however without details of such it is doubtful that these would have been at the same scale as the applicant's business.
- 9.28 Traffic information submitted in support of the application has demonstrated a marginal increase in traffic movements to and from the site over the last seven years. It is difficult to attribute this increase to the use of the glasshouse and the applicant has indicated that if the glasshouse were not being used, the number of vehicle movements would not be reduced as the yard area would be used to its capacity.
- 9.29 In summary of this particular issue, Officers do not consider the use of the glasshouse for storage and manufacturing purposes as part of the wider business premises of Borderland Fencing to have any demonstrable unacceptable highway implications.

e) Impact on neighbouring residential properties from noise and disturbance from vehicles associated with use

- 9.30 The noise and disturbance associated with the number of deliveries taken or dispatched to the glasshouse and how these deliveries impact upon local residents is a further consideration.
- 9.31 Through the representations received in response to this application, some local residents have commented to say they consider the acquisition of the glasshouse has increased the opportunity for additional storage. Neighbours have alleged that vehicle and lorry movements have intensified as a result of the glasshouse being used.
- 9.32 Information submitted by the applicant provides an overview of HGV deliveries over the past seven years. Whilst this shows there is an increase since 2012, this is a gradual increase, demonstrating that there has not been a material increase since the applicant acquired the glasshouse in 2016 as inferred by local residents.

- 9.33 From the information contained in the application submission and from site visits carried out, Officers have established that the large yard area within the authorised site to the north of the glasshouse is not being used to its full capacity for storage purposes. If the glasshouse were not available, then deliveries would still be taken and the storage which currently takes place within the glasshouse would most likely occur in the yard instead. Doing so would be less convenient for the applicant and may have implications on available space within the site for the manoeuvring and turning of vehicles, nonetheless Officers consider the overall amount of storage and the number of vehicle movements generated are likely to be similar.
- 9.34 As already observed earlier in this report, there is no evidence to demonstrate that the use of the glasshouse has directly resulted in an increase in vehicle movements. If the glasshouse was not used Officers are of the view that it is unlikely there would be a material reduction in vehicle movements to and from the site. There is therefore nothing to suggest that the development has a material impact in terms of noise and disturbance caused by vehicles using New Road over and above that which would be evident through the lawful use of the remainder of the site.

f) Conclusion

- 9.35 Officers do not believe the cladding of the former glasshouse would visually harm the character and appearance of the area and therefore the proposal complies with Policies CS14 and CS17 of the Adopted Core Strategy. The proposed use of the building would not materially harm the living conditions of the occupiers of neighbouring residential properties. The use of the building would not have an unacceptable adverse impact on the strategic and local road network.
- 9.36 Officers are satisfied that the proposal accords with adopted local and national planning policy and accordingly recommend that planning permission should be granted subject to the imposition of appropriate conditions.

10.0 Recommendation

10.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

- 1) The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Location plan (drawing no. WW/278 LP1)
 - b) 18-1249 PL01 – Proposed floor plan
 - c) 18-1249 PL01 rev A
 - d) 18-1249 PL02 – Proposed Roof Plan
 - e) 18-1249 PL03 – Proposed Elevations and Sections

REASON: To avoid any doubt over what has been permitted.

- 2) The building hereby permitted / glasshouse shall be used for the storage of timber panels for fences and sheds, metal railings, concrete posts, hoardings and gates and the painting of such items only, except for within the area shown hatched on the approved plan no. 18-1249 PL01 rev A where manufacturing incorporating de-nailing and repairs to metal railings and gates may also be carried out.

REASON: In the interests of residential amenity.

- 3) Except for the emergency exit door shown, at no time shall any further openings be created within the southern elevation of the building hereby permitted as shown on drawing no. PL03.

REASON: In the interests of residential amenity.

- 4) No work (including, but not limited only to, the operation of machinery and any manufacturing processes) shall take place within the application site edged red on the approved location plan drawing no. WW/278 LP1 and no deliveries shall be taken or despatched from the site outside the hours of 0800 – 1700 Monday to Friday and 0800 – 1300 Saturdays nor at any time on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

- 5) No power tools (except for fork lift trucks) shall be operated within the building hereby permitted / glasshouse except for within the area shown hatched on the approved plan no. 18-1249 PL01 rev A where the following portable hand tools may be operated: welder, grinder, nail gun and skill saw.

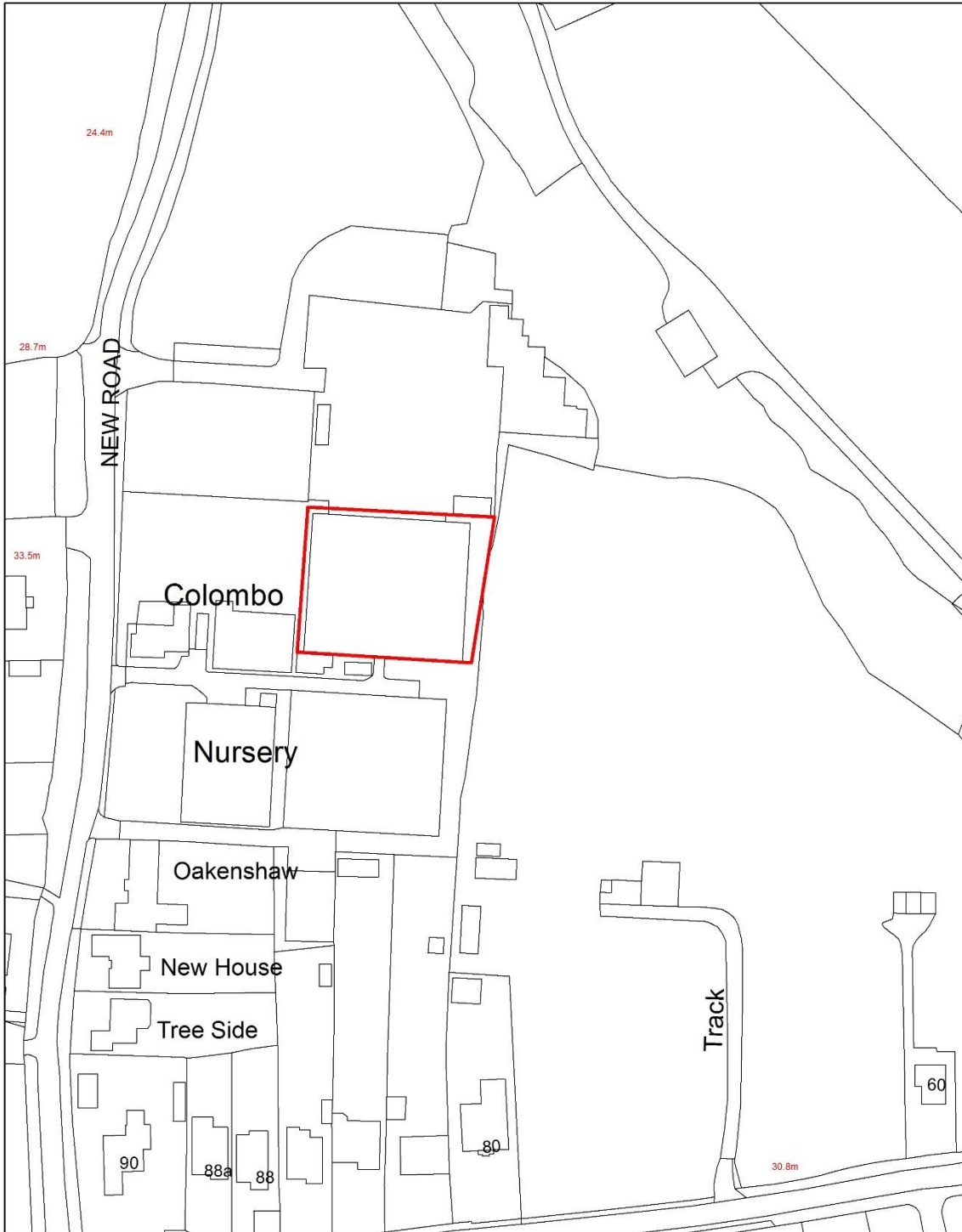
REASON: In the interests of residential amenity.

11.0 Background Papers

P/19/0028/FP

FAREHAM

BOROUGH COUNCIL



Borderland Fencing
New Road
Scale 1:1,250



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2019