

OFFICER REPORT FOR COMMITTEE

DATE:

P/20/1228/VC
MS LILY BEVERIDGE

HILL HEAD
AGENT: MR R STONE

REMOVAL OF CONDITION 3 OF PLANNING PERMISSION- P/16/0301/FP FOR THE CONSTRUCTION OF A 14 STABLE BARN WITH HORSE WALKER AND 60 X 30 MANEGE, NEW TOILET/STORE BUILDING AND GRAVEL/TARMAC HARDSTANDING

65 OLD STREET, FAREHAM, PO14 3HQ

Report By

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1.0 Introduction

- 1.1 This application is reported to the Planning Committee due to the number of third party letters that have been received.

2.0 Site Description

- 2.1 The application site comprises of land to the rear of 65 Old Street, whilst also to the immediate rear of Nos 59, 61, 63 and 67 Old Street. There is an access track between the houses at Nos 65 and 67 Old Street leading from the adopted highway of Old Street to the application site itself.
- 2.2 The site is used as a stable yard consisting of a 14 stable American style barn, 6 mobile loose boxes and an additional 4 stables on part of the site behind No 67 Old Street. There is also a horse walker, lunge pen and a manège on the site.
- 2.3 The site is used for the grazing, keeping, training and exercising of horses and the breeding and sale of foals.

3.0 Description of Proposal

- 3.1 The proposal is to remove Condition 3 of planning permission P/16/0301/FP. Condition 3 reads as follows:

The use of the buildings hereby permitted shall be carried out only by Ms Lily Beveridge and/or persons in connection with the personal private use of the land by Ms Beveridge unless otherwise agreed in writing by the Local Planning Authority.

REASON: To retain planning control over the development hereby permitted and to ensure no intensification of the use of the land which might otherwise

adversely affect the living conditions of neighbours or may be harmful to the safety and convenience of users of the adjacent public highway.

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
CS22: Development in Strategic Gaps

Adopted Development Sites and Policies

DSP2: Environmental Impact
DSP3: Impact on Living Conditions

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document
(excluding Welborne) December 2015

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/16/0301/FP	Construction of 14 Stable Barn with Horse Walker & 60 x 30m Manège, New Toilet/Store Building and Gravel/Tarmac hardsurfacing
Approve	26 th May 2016

6.0 Representations

6.1 A total of twelve representations have been received (seven in support and four objecting). The comments are listed as follows:

Support

- a) No issues with parking
- b) No odour
- c) No concerns with parking
- d) Lorries only use site a few times a week
- e) No invasion of privacy
- f) Well managed business
- g) No increase in noise
- h) Improvements to site have enhanced area
- i) Supports local business

Object

- a) already being used as a business

- b) large horse vehicles entering and leaving site
- c) highway safety
- d) increase in traffic
- e) loss of privacy
- f) promote further development of site
- g) increase in people using site
- h) odour
- i) damage to road surface
- j) inappropriate for residential location
- k) commercialisation of the site

7.0 Consultations

EXTERNAL

Highways

- 7.1 Objection- The applicant has not provided sufficient evidence that this would not have a detrimental impact onto the local highway network.

INTERNAL

Environmental Health

- 7.2 The application should demonstrate the adverse impact to the neighbours can be avoided by way of assessment.

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) Impact on residential amenity
- b) Highway safety

a) Impact on residential amenity

- 8.2 The proposal is to remove Condition 3 of the original planning application (Ref P/16/0301/FP). This would enable the site to be used by an unrestricted number of people and the stables and associated facilities would not as such be limited to be used solely by the named applicant.

- 8.3 In the original application the case officer stated that *“the facilities for which planning permission being sought are extensive, the proposal is unlikely to have any materially harmful impact on the surrounding area and neighbours because it relates to the leisure activities of one individual...whilst it is probable that Lily will transport horses using large vehicles in and out of the site when travelling to its competitions this is unlikely to be so frequent as to cause nuisance to neighbours or any highway safety issues into or out of Old*

Street". The case officer clearly considered the amenity and highway impact of the use of the site and considered that for one individual it would not have a significant impact.

- 8.4 The report concludes by stating that *"it would be sensible to limit the principal use of the site to those for the personal use of Lily Beveridge. Whilst this would still allow Lily to breed horses ancillary to the main use of the site and to have people to help her care for her horses it would prevent a commercial livery, riding school or equestrian centre or the use of the site for others to keep their horses. Such a condition would be required in order to prevent an intensification or change in the nature of the use, to protect the living conditions of neighbours and ensure that the traffic movements associated with such uses do not adversely affect the safe and convenient use of Old Street"*.
- 8.5 It is considered that the removal of the condition could result in the intensification of the site and would change the nature of the use. There is a total number of 24 stables within the site and should each of those be occupied by at least one horse owned by 24 separate individuals, there could be at least 24 people coming onto the site daily to visit and care for their horses. It is accepted that the number of horses within the site will not change, however the number of people visiting horses is likely to result in the intensification of the use, to the detriment of the living conditions of neighbours.
- 8.6 The applicant has explained within the submitted Planning Statement that the site would be used on a full livery basis and clients would not visit on a regular basis. Whilst the clients would not need to visit the site daily to care for their horses as this is all provided within the site there is nothing to prevent horse owners from visiting their horses on a daily occurrence, and it would not be reasonable for the Council to impose a condition restricting such activity.
- 8.7 The Environmental Health Officer has requested that the applicant demonstrates whether the proposal would have an adverse impact on the neighbours by way of an assessment. They have advised that the assessment of noise and light should include the predicted increase in vehicle movements of clients to and from the yard and also the predominant noise sources arising from the activities of the yard.
- 8.8 Despite requesting this information, the applicant has been unwilling to provide this to demonstrate that the proposal would not have an adverse impact on the neighbours in terms of noise and light disturbance from moving vehicles. It is therefore concluded that the proposals, based on the likely level of intensification that could occur with an unfettered use of the site, could

result in a significant adverse impact on neighbours by reason of noise, light and air pollution. The removal of Condition 3 would therefore be contrary to Policy DSP2.

b) Highway safety

8.9 Whilst the application proposal does not result in any changes on site to the existing access arrangements, the County Council, as Highway Authority has raised concerns stating that as the application is seeking removal of the restriction of private use, this will allow usage by the public and therefore the site to operate as a business.

8.10 No information regarding trip generation has been provided, nor any assessment as to the impact increased activity would have on the local road network. Details of access into the site have also been omitted. Therefore, the Highway Authority cannot recommend the removal of the condition as the applicant has not provided sufficient evidence that this would not have a detrimental impact onto the local road network. The removal of the condition would therefore fail to accord with Policy CS5.

8.11 Based on the lack of information provided the applicant has failed to demonstrate that the removal of the condition would result in no harm to the amenities of the neighbouring residential occupiers and would not have a detrimental impact on highways safety. Therefore, it is recommended that the condition should not be removed.

9.0 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reason:

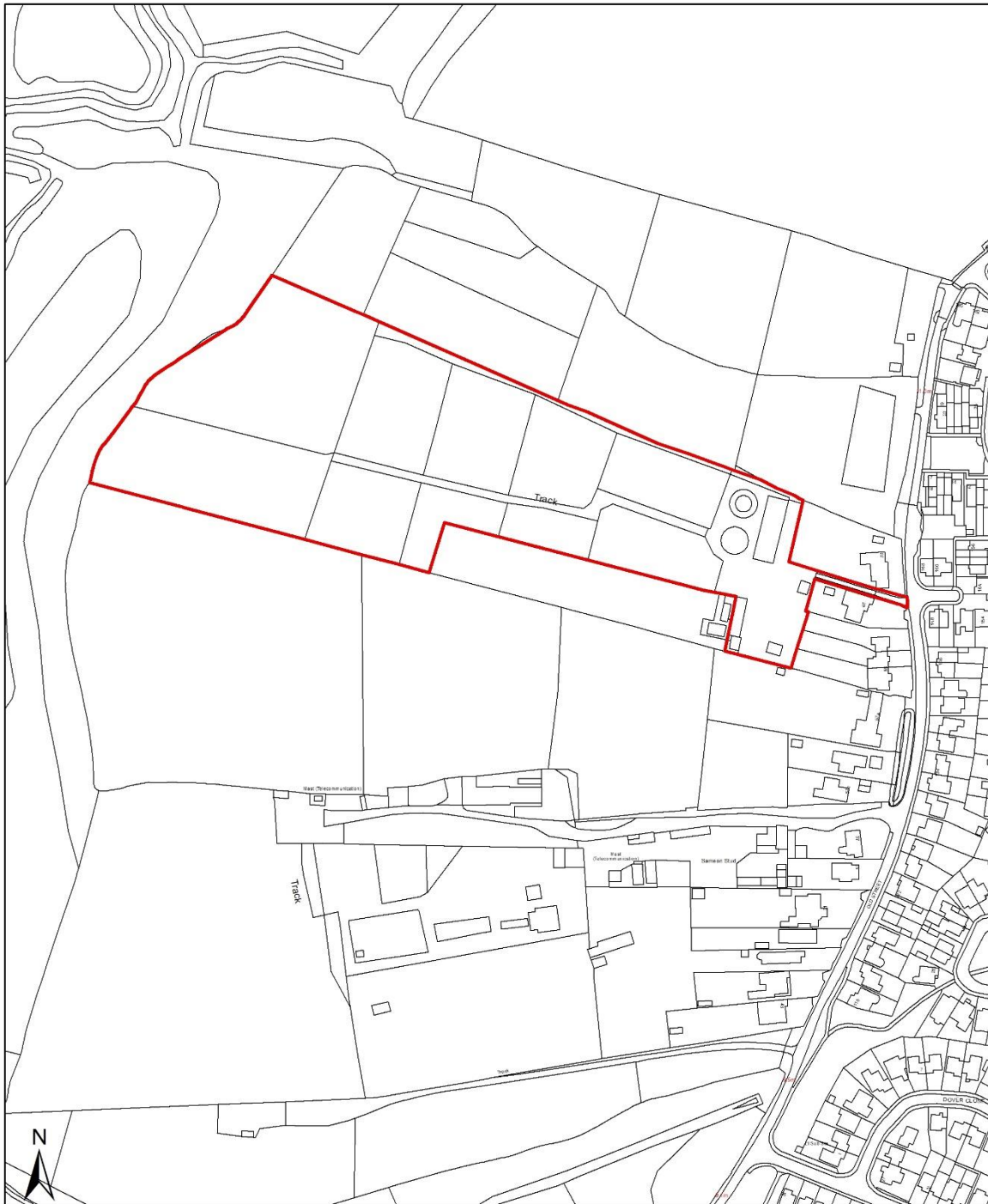
1. The proposal is contrary to policies CS5 and CS17 of the adopted Fareham Borough Core Strategy; Policy DSP2 of the adopted Fareham Local Plan Part 2: Development Sites and Policies, in that it fails to demonstrate that the removal of Condition 3 would not result in a significant impact on the neighbouring occupiers by reason of increased noise, light and air pollution, and highway safety, by reason of insufficient information to adequately assess whether the unfettered use of the site would adversely affect the safety and operation of the local road network.

10.0 Background Papers

P/16/0301/FP & P/20/1228/VC

FAREHAM

BOROUGH COUNCIL



65 Old Street

Scale 1:2,500

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