

SUBMISSION OF OBJECTIONS TO APP/19/01083

(unamended, as of 29th November 2019).

These objections should be read in conjunction with the attached supporting evidence which clearly adds weight to the case to reject this application.

1. This application seeks to retrospectively regularize class B2 use, the making of cement products, which has been taking place for the past 3 years, on the grounds there will be no material change. It is inappropriate to grant an application allowing any unspecified industrial activity in a residential area without detailed specific conditions on use in terms of size, type and times.
2. Within this application is an attempt to retrospectively regularise unauthorised B8 storage use in areas outside of the barn, not consented in previous applications (APP/14/01019 & APP/15/00604). The already unauthorised increase in storage space has resulted in increased activity and visual intrusion. This material change should require a new planning application supported by a relevant Traffic, Environmental and Biodiversity reports in the very least.
3. The application attempts to nearly double the size of the plot without explanation or justification. There is a significant risk that there will be a further increase in B8 activity with consequential increase in traffic and thus impact on the residential and conservation areas. There are already 8 IOS containers with unknown contents (in excess of the 4 quoted in the application), several derelict vehicles including 2 HGV's, large unsightly areas of open storage and several bunds of spoil. The area of land in question is not previously developed land and is thus an unauthorised development requiring an enforcement action.
4. The proposals made by the applicant is potentially a piecemeal development which will have a significant incremental effect on the local residential area and should be assessed in conjunction with H20 and be determined at the EiP of the HBC LP 2036.
5. This application should be rejected and all B8 storage areas should be re-sited within the barn as per consent for APP/14/01019 and APP/15/00604. The hardcore apron to the north of the barn and the land to the east of the barn should be reinstated.
6. The application should be withdrawn and a further application be made addressing the issues raised with greater detailed supporting evidence addressing traffic, environment, landscape, heritage and impact on the

adjacent residential and conservation areas. This application should be determined alongside that for H20 at the same time so that the true incremental harm to Old Bedhampton Conservation Area and Lower Road can be judged. For instance, the traffic details are disingenuous and out of date.

7. For further detailed evidence please see the attached "evidence" document outlining unauthorised developments, complaints leading to 2 enforcement actions and the detrimental impact on the residential area.
8. The proposed extension would block access to the western part of the field from the western end of Lower Road. The proposal for 50 houses (H20) will be detrimentally impacted by the introduction of an access road around its perimeter in order to gain access to the fields in the south and west for farming.
9. It is understood that after discussions with the case officer for APP/19/01083 that an amended application will be submitted but no time frame has been set. Meanwhile an enforcement order (Acolaid Case 19/00010/CMP) is suspended pending a planning application to retrospectively regularise unauthorised uses. This process should not be open ended. There should be a time frame with a limit which when expired results in automatic enforcement of APP/14/01019 and APP/15/00604 and full reinstatement.

29th November 2019

THE EVIDENCE SUPPORTING OBJECTIONS TO APP/19/01083

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IMAGE 2. BEFORE DEVELOPMENT.



IMAGE 3. EARLY 2019.



IMAGE 4. SUMMER 2019



IMAGE 5. TRANSPORT STATEMENT LOCATION VIEW.

Application Number: APP/14/01019

Site Address: Barn on land adjacent Old Manor Farm, 15 Lower Road, Havant

"Further to your application received on 29 September 2014, Havant Borough Council, as Local Planning Authority Grants Planning Permission for the above proposal in accordance with the submitted plans and particulars as detailed below. This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

Conditions:

1.....the Prior Approval, hereby granted, permits first use of the agricultural building identified within the application for B1 or B8 use only. Once implemented as either a B1 or B8 use.....

Reason: The information supplied with the Prior Approval application has suitably demonstrated that a B1 and B8 use will not have an adverse impact on transport and highways; contamination and flood risk.

2 Prior to the first implementation of either a B1 or B8 use, granted by this Prior Approval application, the applicant shall submit to the local planning authority a plan and details of the area of hardstanding and parking allocation for the intended use. The development shall hereafter be implemented in accordance with the approved details unless otherwise agreed in writing.

Reason: In the interests of highway safety in accordance with requirement (i) of Class M."

3. APP/15/00604

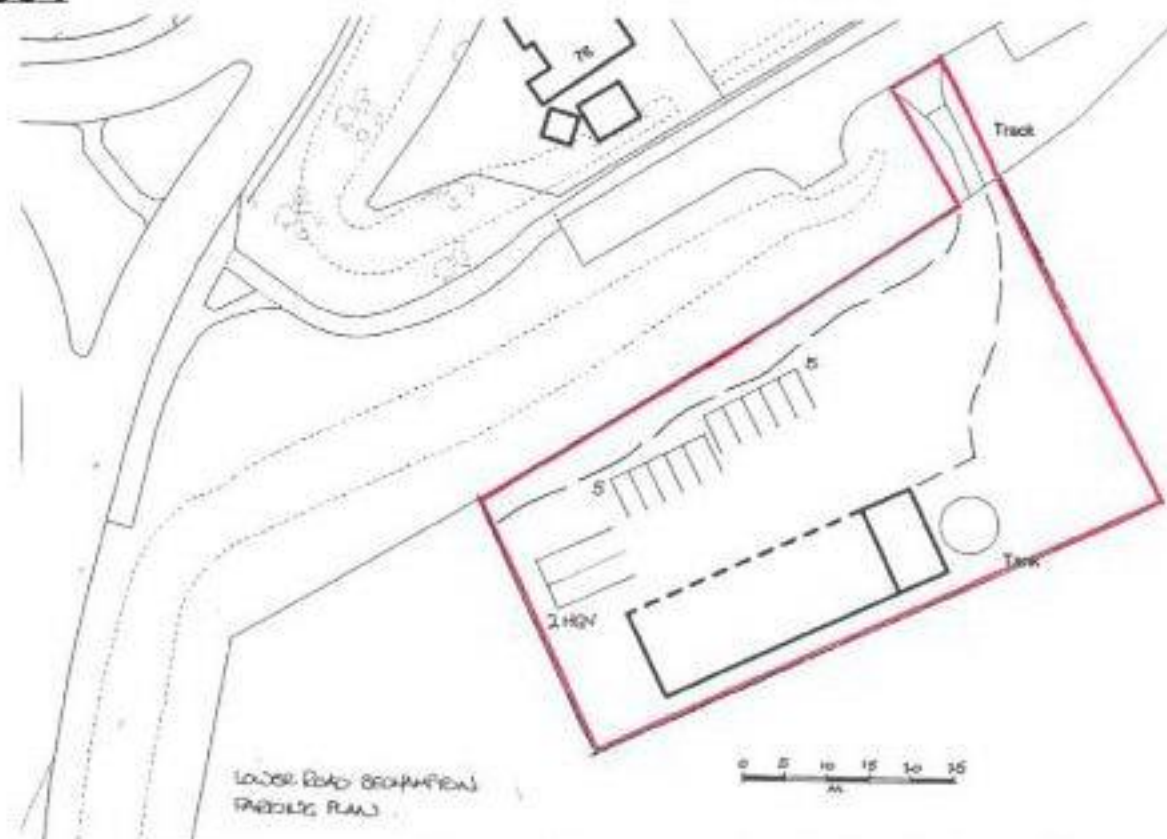


IMAGE 6. LOCATION PLAN APP/15/00604

3.1 Subject: FW: Acolaid Case APP/15/00604

Formal Response

The Highway Authority has no adverse comment on this application. I would recommend that the Planning Authority accept the parking layout as shown on the submitted plan.

Peter J Marshall BSc MCiHT

Development Engineer

Havant Borough Council

Penner Road

3.2 Comments for Planning Application APP/15/00604

Application Summary

Application Number: APP/15/00604

Address: Barn on land adjacent Old Manor Farm, 15 Lower Road, Havant

Proposal: Discharge of Condition No. 2 of Planning Permission APP/14/01019

Case Officer: Stephen Andrews

Customer Details

[REDACTED]

Comment Details

Commenter Type: Complainant

Stance: Customer objects to the Planning Application

Comment: The site is currently being used as a car scrap yard. There are currently at least 20 wrecks being stored in the open on the site with a significant noise impact which has already been the subject of local complaints. To me this is a significant change of use from farm buildings in what is a quiet residential street. Has this change of use been given planning permission?

Dated 01/12/2016.

3.3. The boundary of the proposed site is clearly marked and is the same on both APP/14/01019 and APP/15/00604. There is no extension to the east onto land that abuts Old Manor Farm. I cannot find any evidence giving consent for B8 storage outside of the barn. APP/15/00604 clearly marks the hard standing to the north of the building for car parking and not IOS containers.

4. APP/19/01083. The Application Form (AF).

4.1 The site area has now increased from the footprint of the barn for B1 or B8 use at 0.04 hectares (**APP/14/01019**) to now measure 0.28 hectares (AF para 4) with a significant extension to the east to abut the Old Manor Farm Conservation Area. Compare location plan, diagram 6 above with diagram 7 below. No explanation or justification has been given for this increment.



IMAGE 7. LOCATION PLAN APP/19/01083

4.2 The previous planning applications were for B1 or B8 use within the barn. There was no mention of outside storage areas. **APP/14/01019** had 2 conditions attached to the permission statement. The second required a plan and details of hard standing and parking allocation. This was met with **APP/15/00604** as shown in para.3 of this objection. The area is now shown to be a storage area for 4 ISO containers each 80 square metres with no parking allocation although the Application Form (AF para 9) cites 6 spaces allocated.

4.3 The application form (AF) para 12 states that there are no protected or priority species and there are no conservation features of importance. The adjacent farmland is identified as a low use site Solent waders and Brent Geese, the site is within the Bechstein's bat area of search and the proposed site extension abuts the Old Manor Farm Conservation Area. Swallows were prevalent visitors in the summer, roosting within the barns but have not been sighted for the past few years.

4.4 AF para 13 of the Application Form makes no comment about Foul Sewage or its disposal. The application for class B2 states on site working from 0900hrs to 1700hrs Monday to Friday but there are no facilities for the employees.

4.5. Residents have evidence that the site is used outside of the stated hours and includes Saturdays and Sundays. Commercial vehicles arrive and leave at times from 0345 to 2300hrs. Diagrams 8, 9 & 10 are some CCTV screen shots taken from Old Manor Farm looking at Lower Road. There are numerous examples of commercial vehicles, both light and heavy accessing the site in this residential area, almost throughout the entire 24 hours of the day.

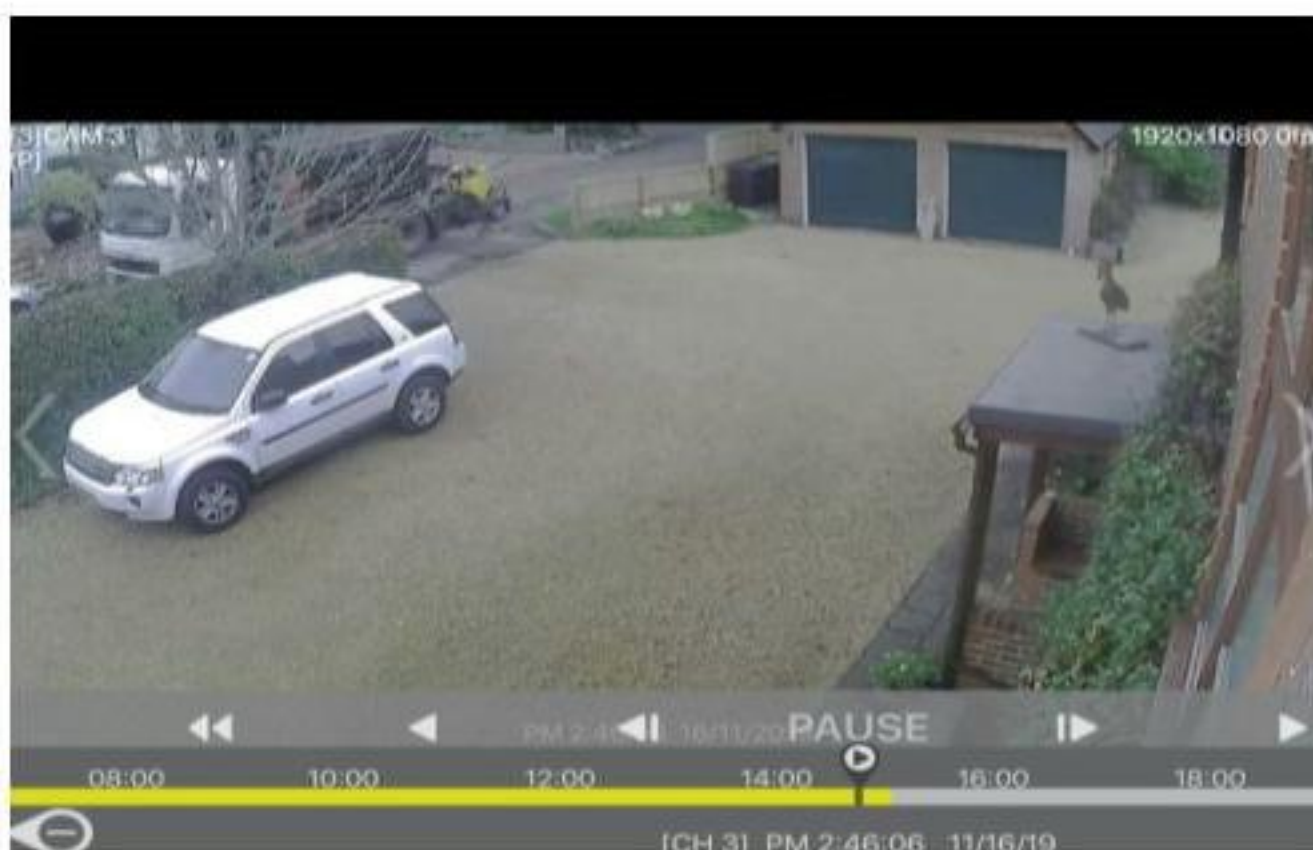


IMAGE 8. One of two trucks arriving on site mid afternoon of Saturday 16th November 2019. Both trucks left half an hour later without their towed cargo.



IMAGE 9. This commercial vehicle arrives most morning at 0645hrs. It's clattering cargo makes so much noise that it is possible to use this event as an early morning wake up call.



IMAGE 10. This “20 tonne HGV” was one of several delivering spoil to the site in the summer of 2019 at 2238hrs.



IMAGE 11. There are numerous other examples of commercial vehicles accessing the site at all hours of the day and all days of the week. There was one commercial vehicle which arrived on site at 0351hrs and left at 0414hrs on 20th November 2019. This event was repeated again on 16th November 2019 with a commercial pick-up truck arriving at 0353 and leaving at 0418hrs (Image 11). On both occasions it's rattling cargo was so noisy that residents were awoken.

4.6 AF paragraph 17 of the application states "yes" for loss, gain or change of non-residential floor space but then does not give any details.

4.7 AF paragraph 19, please see comment in para 4.4 of this statement.

5. The History

5.1 Since the summer of 2015 this site has been the source of numerous complaints requiring enforcement officers to intervene in late 2016 and again in 2019. The management and organisation of the site is chaotic and gives an impression of total disregard for their neighbours and the responsibilities of being in a residential area. It is possible that the applicants through ignorance or wilful total disregard for planning rules are not fit to embrace a use class extension to B2.

5.2 Complaints from local residents include noise from machinery, engines and music, chemical odours and bonfires. There is flood lighting of the exterior throughout the night which impacts on local resident's bedrooms and which does not have LPA consent. Frequent traffic to and from the site under the cover of darkness might be considered suspicious of nefarious activity. It is not normal commercial practice, especially not in a residential area. The prevailing winds from the west

carry noise, odours and smoke to adjacent residential properties, including Old Manor Farm residences.

5.3 The 4 year history of activity at this site has resulted in many “event” complaints which have been lodged with the Planning Department’s Enforcers but these one off events go unchallenged and are not resolved. It is very unsettling for residents to be living in a constant atmosphere of uncertainty and disruption.

6. Traffic Report.

6.1 The traffic report understates or omits a range of concerns and raises the question, was it a desktop exercise? The report’s numbers for traffic movements is not recognised by residents as it is disingenuous by avoiding presenting numbers for the whole site. There is no recognition that there are no footpaths for the entire length of Lower Road which is a narrow and shared surface (prams and cyclists) and with on road parking. It contains 3 bends with poor sight lines and which are well documented for near misses. One cyclist having been recently knocked over by a taxi. Luckily, he was uninjured and thus does not warrant being a crash map statistic. There has been an over reliance on Crash Map for just Brookside and Lower Roads with no recognition of the hazards around the mini roundabout and the short slip road to turn right into Brookside Road. All are inadequate and become a hazard when used by commercial vehicles (Image 12). Commercial vehicles are generally wider than resident’s saloon vehicles and will thus exacerbate the hazards that already exist.

6.2. Banning of any offsite parking by users of the site will be unenforceable.

6.3 Access to the site is through a Conservation Area which is a recreational amenity and a tranquil setting of narrow roads and lanes unfit for commercial vehicles large or small (Image 12).



IMAGE 12. LOWER ROAD, WINTER WEEKEND IN 2016. This event resulted in damage to trees for which there was no apology.

7. Planning Design and Access Statement (PDAS).

7.1 PDAS paragraph 2.1 states “the site measures approximately 0.37 hectares” whereas the application form states 0.28 hectares. This is a substantial difference which requires explanation. This proposed site extension will sever access to farmland to the south from the western end of Lower Road. The proposal for 50 houses (H20) will be detrimentally impacted by the introduction of an access road around its perimeter in order to gain access to the fields in the south and west for farming.

7.2 PDAS paragraph 2.6 states “the site is well screened”. This is not the case for 6 months of the year as leaf fall for winter gives clear views of the site from adjacent roads and residences (Image 12). The western boundary of the proposed development H20 is not screened and southern boundary of the site is also not screened. Thus, there will be clear long views of both sites, not only from one to the other but also from the railway and adjacent trunk roads.



IMAGE 13. A VIEW FROM LOWER ROAD IN WINTER OF 2018

7.3 PDAS paragraph 3 states it “expects any planning approval to restrict B2 use to concrete manufacturing only”. On the face of it this is reassuring but the 4 year history of overstepping the boundaries of planning regulations will lead residents to believe otherwise. ‘Concrete manufacturing’ can be at one end of the spectrum a single cement mixer and at the other end a large industrial silo with HGV’s picking up concrete loads to take to other construction sites.

7.4 ***“The storage containers are not fixed structures and therefore do not require planning permission for placement.” (Para 5.4).*** However, the LPA has not given consent to using the hardcore apron of land to the north of the barn for B8 class use. If this contravention is not enforced it will allow unsightly rusting containers to be placed on site attracting a greater number of users with their vehicles into the residential area.

7.5 ***Paragraph 6 “Planning Policy”*** quotes selectively from National Planning Policy Framework (NPPF) and the Havant Local Plan Core Strategy (2011). The latter is in the very near future to be superseded by HBC LP 2036 which will be adopted by Council in 2020 after EiP early in 2020. There has been no recognition of the setting of the Old Manor Farm Conservation Area being threatened or harmed with its link to agricultural land having been severed.

7.6 PDAS paragraph 6.13 states ***“Draft policy E3 Landscape and settlement boundaries, states that development outside of settlement boundaries will not usually be permitted unless it meets one of four criteria. Criteria g) requires it to be “proposed on previously developed land and does not represent a material intensification of use.”*** Part of the “new” site plan to the east is not a previously developed land and the change of use to B1, B2, and B8 does represent a material change.

7.7 PDAS paragraph 7.4 ***‘The proposal also seeks to obtain retrospective approval for B8 storage use on hardstanding within the grounds of the existing building. The type of storage proposed comprises a combination of open storage and storage containers to be located within six specific plots. The storage containers are not fixed, permanent structures and therefore do not constitute development.’*** Any storage of containers or use of them for storage purposes will be visually intrusive from close and distant views. (rust, colour etc). If such use(s) are introduced there may be no control over movements to/from by time or vehicle. Equally the parking of commercial vehicles could be visually intrusive as well as detrimental to residential amenity of nearby properties. Hours of operation, winter starting, fumes, traffic safety and noise etc.

7.8 PDAS paragraph 7.5 ***“Whilst it is recognised that the site adjoins a sustainable settlement, it is located within the countryside and thus within a rural area. Para 83 of the NPPF supports sustainable growth and expansion of all types of business in rural areas, both through conversion and well-designed new buildings.”*** It is stretching the imagination to describe this as a rural area as it is bounded by trunk roads, a main line railway, a Conservation Area and residential suburbia.

7.9 PDAS paragraph 7.7 “Storage within the grounds would not be visible from any public vantage points...” As already described in paragraph 7.2, this site is visible for 6 months of the year after autumnal leaf fall.

7.10. PDAS paragraph 7.8 “The building is not overlooked by any adjoining properties and is well screened by existing vegetation alongside mature trees that are subject to tree preservation orders. It is therefore highly likely that this screening will be retained in the long term. The storage containers will be located behind the vegetation on the northern boundary and thus will not be visible either.” Please note previous comments (para 7.2) and image 13 which refute this assertion.

7.11. PDAS paragraph 7.11 “Considering the main two factors likely to affect surrounding properties, namely highways and noise, the residential amenity of the neighbouring properties will not be affected.” Please note previous comments refuting this assertion in paragraphs 4, 5 & 6.

7.12. PDAS paragraph 7.13 “The supporting Highways Statement concludes that there would be no highway or transportation reason why this change of use should be withheld on transport grounds. The vehicular trips generated by the development do not represent a material impact on the operational capacity or safety of the local highway network and sufficient on-site parking will prevent any overspill onto the adjoining residential roads.” This neatly side steps the traffic generated by other B1 and B8 uses which have increased significantly since the original planning application. For example, moving B8 from within the Barn to hard standing on the outside which is now being retrospectively regularised on the back of this application to gain consent for B2 use. See paragraph 7.14 of this statement.

7.13. PDAS paragraph 7.16 “There are no statutory or non-statutory designated sites of nature conservation interest situated within or adjacent to the application site and no potential adverse impacts have been identified”. This statement is incorrect. Please see paragraph 4.3 of this statement.

7.14 PDAS paragraph 8.1 “The site currently has approval for either B1 or B8 use within an existing barn. This approval was obtained via prior approval in 2014 and B8 storage was implemented. The proposal seeks a change of use, to allow for B1, B2 and B8 uses within the existing barn and B8 storage with hardstanding within the grounds. These uses already occur on the site. The application does not propose any internal or external works to the barn or works within the grounds to facilitate this.” Please see paragraph 7.12 and 8.6 of this statement.

8. Conclusion.

8.1. I understand that the Permitted Development Procedure introduced in the changes to the General Permitted Development Order is designed to bring back into use vacant/underused agricultural buildings and the land immediately adjacent as a means of assisting the economic diversification of farming. The part of the property that can be described as previously developed land (PDL) is the barn. There's reference in its (GPDO) guidance to the area of land being no larger than the footprint of the building it serves i.e. The Barn and the hardcore apron to the north of the barn. So, anything outside of these parameters does not have PD rights. Hence the application.

8.2. Thus, any breach of the existing permission e.g. class B2 use breaches the terms of the original consent (APP/14/01019 & APP/15/00604).

8.3. The area now added into the application site is not PDL. It is an unauthorised development. Hence the need for enforcement action.

8.4. I understand that any use within Class B is a non-conforming use within a residential area. I believe that Class B1 requires the LPA to make a judgement as to whether it is appropriate to consent to such an area. Anything that is judged to be appropriate may need to be accurately defined in the application and any conditions attached to a consent by such things as location (distance from nearest sensitive premises defined on plan), hours of operation, size of premises, height of open storage (containers, pallets) the specific user/business and no other etc. The track record of the management of this site illustrates how it has been possible to develop beyond planning consent out of ignorance or wilful disregard.

8.5. A B2 Use could be open to a wide range of uses inappropriate to a residential area. If the applicant is not prepared to be tied down the application should be refused. Even within a building the area devoted to such use etc needs specific control. Please see paragraph 7.3 of this document.

8.6. This application seeks to underplay the impact of already detrimental and unauthorised development / activity. It attempts to retrospectively regularise B2 activity and endeavours to demonstrate it will not have material impact. However, within this application there is an implicit desire

to extend the size of the site and regularise the B8 storage areas outside of the barn, neither of which are related to the B2 use. Any enlargement of the site and or increase in outside storage will be a significant material change and should require a separate application supported by a relevant traffic assessment, an environmental impact statement and a biodiversity report in the very least.

8.7. The proposal by the applicant is potentially a piecemeal development which will have a significant incremental effect and should be assessed in conjunction with H20 and also be determined at EiP of the HBC LP 2036.

8.9. This application should be rejected and all B8 storage areas should be re-sited within the barn as per consent for APP/14/01019 and APP/15/00604 and with reinstatement of the land to the east of the barn.