

60. 2022/ 2023

FC. 08.02.23

**OWSLEBURY PARISH COUNCIL
MINUTES OF THE EXTRAORDINARY PARISH MEETING HELD ON
8th FEBRUARY 2023
COMMENCING AT 7:00 IN THE OWSLEBURY PARISH HALL**

Present: Parish Councillor John Chapman (in the Chair).
Parish Councillors Mark Egerton, John Foster, Simon Grinstead, Astrea Hurlock, Will Martin, and Yassir Mahmood

In Attendance: Juanita Madgwick (Clerk) and District Cllr Neil Bolton

Also in Attendance: 48 Members of the public were present.

128/23 APOLOGIES FOR ABSENCE

None

129/23 DISCLOSURE OF INTERESTS FOR AGENDA ITEMS.

Cllrs Egerton and Mahmood declared an interest in planning application SDNP/22/05927/PA3R, Barn at Old Green Farm, Whites Hill, Owslebury, Hampshire, SO21 1LT.

130/23 PUBLIC QUESTIONS AND COMMENTS.

A resident spoke on their concerns of the change of use, which included there is no detail in the application, no notices of the application were published on the land, and the neighbours were not consulted as statutory consultees. They also spoke on the criteria that should be considered if the barn was to be granted change of use, which is Traffic, Noise, Contamination Risks and Flood Risks. They felt that Hampshire Highways should have been consulted on traffic.

Another resident spoke on their concerns on this application, which included the SDNP Local Plan polices such as Dark Skies, Footpaths and Historical roads. They also felt that there was a strong argument to object to this application on the four reasons which the local planning authority will look at, Traffic, Noise, Contamination risks of the site and Flood risks.

Another resident spoke on the planning application on how it has been used in the past and his support for the application.

Cllrs Egerton and Mahmood left the meeting.

131/23 AGREEMENT ON THE FEEDBACK TO WINCHESTER CITY COUNCIL ON PLANNING APPLICATION: SDNP/22/05927/PA3R, BARN AT OLD GREEN FARM, WHITES HILL, OWSLEBURY, HAMPSHIRE, SO21 1LT

The Council **Resolved** unanimously to submit the following comment on planning application SDNP/22/05927/PA3R, Barn at Old Green Farm, Whites Hill, Owslebury, Hampshire, SO21 1LT:

Owslebury Parish Council **object** to this planning application.

Owslebury Parish Council request that prior approval should be refused based on the following: The Parish Council believe that the subject building footprint is larger than 500sqm: the continuously roofed structure extends either to 670m2 or 730m2. While the application plan may show a rectangle of about 500m2 footprint, that doesn't correspond to the actual barn structure. The application purports to be in respect of 500 square meters of the existing barn for the C1 (aparthotel) use. This would comprise part only of the barn – the Parish Council does not understand how only part would

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be converted to the proposed use. The Parish Council therefore believe that the requirements of Schedule 2 Part 3 Paragraph R.1(c) are not met.

Alternatively, the Parish Council believe that the Authority as to whether prior approval is required under Schedule 2, Part 3, paragraph R.3(1)(b) should be refused pursuant to Schedule 2, Part 3, paragraph W(3) as the developer has provided insufficient information to enable the Authority to determine whether the proposed development complies with the conditions, limitations and restrictions applicable to the development as set out in Part 3 of Schedule 2.

The following information and procedural requirements have not been met:

Traffic: The site is situated at the top of three very narrow lanes which cannot be widened.

1. The transport note provided by the applicant assumes that the office that was approved is already in use, which currently it is not the case. The assessment is also based on the assumption that the development will contain 5 units of accommodation. However, the application does not contain such a limitation and so the report may be based on assumptions that do not accurately reflect the property's eventual use. As a result, traffic movements may be higher than predicted.
2. The data in the transport note relates to unchallenged estimates provided for a property in Bishops Waltham. Not only should the LPA be reluctant to accept unchallenged (and hence unscrutinised) estimates, but it should also note that the roads around the Bishops Waltham site are substantially different to those around the Owslebury site. Where the Bishops Waltham roads in question are largely two lanes, those in Owslebury are single lane with very limited scope for passing and tricky reversing (up/downhill and around blind corners).
3. With very limited public bus services and an accommodation type that apparently will not include catered meals or any significant level of care, it can be anticipated that guests at the Aparthotel will have to travel via road to access shops and restaurants etc. The transport note takes no account of these additional journeys.
4. Significant concerns re vehicle access to the site. Whites Hill is patently unsuitable due to its position at the top of a steep hill and very close to a blind bend. However, the very recently created new access on Whaddon Lane is no less dangerous due to its position next to the school bus stop. Questions remain over the lawfulness of this gate and newly formed roadway entrance/ exit in the bus terminus. Moreover, while the applicant has (the Parish Council understand) apparently secured permission from the Highways Agency to drop the kerb, this has not yet been done (perhaps due to residual concerns over the lawfulness of that gate). Even so, direct neighbours report seeing 4 - 6 40-ton trucks using this entrance every day. Crossing an undropped kerb breaches the Highways Act 1980, s. 184 and is a potential police matter.

Noise: The application makes no statement about noise. The Parish Council would like clarity on how noise can be defined when there is no detail on what the barn will ultimately be.

Contaminants: The desk study contained a walkover only and no samples were taken. The Parish Council would like to see samples taken and confirmation from Environmental Health that assessments have been carried out correctly. We note that no response has been provided to Environmental Health's request for the study to be widened to include the infilled hole adjacent to the site. This needs to be addressed.

Flooding: The Parish Council do not know what the effects of construction and development on the surface water drainage in the area could be. We already have a capacity issue which can be seen from the recent ground water levels in the village which rose 7 meters in 2 weeks which was 3.65 meters above average.

Insufficient Detail and Procedural Issues:

1. Schedule 2, Part 3, paragraph W(2)(a) The Desk Top Study lacks sufficient information pertaining to a description of the proposed development.
2. Schedule 2, Part 3, paragraph W(2)(b) The plan lacks sufficient information and does not show the proposed development: elevations, plans structural drawings would enable a better understanding of the site.
3. Article 3(9) The Parish Council believe that the site has limitations concerning the condition and size of the barn, lack of information leads to the belief the dilapidated barn would need to be demolished which is not a change of use to an existing building but a replacement in the same envelope. Under Article 3(9), we believe the application should be refused as the LPA is entitled.
4. Schedule 2, Part 3, paragraph W(5) There has been no consultation with Highways, which the Parish Council believe the Authority is obliged to do.
5. Schedule 2 Part 3, paragraph W(8)(a) and (b) As above, site notice has not been displayed nor had the neighbours' received letters. The Parish Council request an explanation as to why this has not happened.
6. Schedule 2 Part 3, paragraph W(11) There is significant work currently in progress on site: it is not known if this work is relevant to this application - however no approval in respect of it has been given.
7. Schedule 2 Part 3, paragraph W(13) The LPA is permitted to condition any prior approval – the Parish Council would like to know if this is envisaged.

In addition to the above, there is a restrictive covenant on the land which benefits neighbouring land limiting its use agriculture and the requirement that if agricultural use should end, the site be used either for no more than 2 residential dwellings, or a shop. Are the Authority positive that this covenant has been removed as this application breaches that covenant?

Finally,

1. The Parish Council asks the Authority to note (as above) that under Article 3(9) of the relevant statutory instrument (which is the operative article bringing the Schedule 2 rights into effect), Schedule 2 does not permit any development which requires or involves the demolition of a building. Given the dilapidated state of the building, which is the subject of the application, it is difficult to see how the building would not be demolished to bring into effect the proposed change of use.
2. The Authority should note that at the Parish Council meeting to discuss the Application there was a very big turn-out of Parishioners, almost all of whom were concerned about the Application, and wanted the Authority to exercise its discretion to refuse it on the grounds outlined above.

There being no further business the meeting closed at 8.00pm

Chairman:

Date: