

DELEGATED OFFICER REPORT

Application Ref: F/22/94108

Site Address: BROADWAY FARM, BROAD OAK, BOTLEY

Case Officer: Gary Osmond

Description: Proposed construction of a Warehouse for storage and distribution (Class B8) together with a relocation of existing parking apron for first response vehicles and ancillary works.

Particular Site Constraints?	Yes ☒	No ☐
- Outside the urban edge - Within a Settlement Gap - Adjacent to a Site of Importance for Nature Conservation (SINC)		

Planning History?	Yes ☒	No ☐
There are a number of further applications relating to extensions and alterations of the detached bungalow but below are those relating to the industrial uses on site.		
Application Ref:	Description:	Decision:
F/22/93195	Construction of a Warehouse for storage and distribution (Class B8) together with a parking apron for first response vehicles and ancillary works.	Withdrawn Jul 2022
F/21/91859	Construction of a warehouse for storage and distribution (Class B8) with ancillary works including parking area, together with retention of tarmac hardstanding for open vehicle storage.	Withdrawn Jan 2021
F/17/81201	Retention of 2No. product handling/storage buildings and alterations and extensions to existing pallet storage building in association with the continued use of the site for storage and distribution (Use Class B8).	Permit Mar 2019
LDC/17/80680	Lawful Development Certificate for proposed construction of a new material handling/storage building (Use Class B8).	Certificate Issued Feb 2018
Z/17963/001/00	Use of rear yard for pallet repair and storage with retention of relocated portable office and shed.	Refused Jul 1997 – granted temporary approval at appeal Sep 1998
Z/17963/00A/00	Erection of detached bungalow and integral garage.	Permit Mar 1978

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	A total of six representations were received, all objecting to the application and highlighting the following issues and concerns: - Site is in the countryside and countryside gap - Industrial use not suitable for countryside or village location - Further expansion of the site will increase lorry movements - Overdevelopment of site - More noise, air and light pollution - Add to existing drainage and flooding issues - Highway safety concerns		

	- Excessive HGV movements once Botley by-pass is constructed - Site operates 24/7 - Damage to highway - Impact on wildlife - History of retrospective applications
Parish Council:	OBJECT <u>Settlement gap</u> Members were concerned the proposed application narrowed the Settlement Gap between Hedge End and Botley. This is against Policy S6 and therefore should not be permitted. <u>Light Pollution</u> Previous applications made reference to lots of lighting on site which would have an impact on light pollution. The current application only makes a vague reference to lighting in the ecology report therefore, the committee would like this to be clarified further. <u>Planting</u> Planting has been addressed to the North, south and east of the site but there is no reference to planting on the west side. <u>Tarmac area</u> Previously, tarmac was put down without planning permission. The documentation doesn't seem to make reference to this tarmac being removed. <u>Transport Statement</u> The traffic surveys noted under paragraph 3.6.2 were carried out in 2019 and 2020 where a decrease in traffic was noted for 2020. Data used for this period should not be taken into account as the roads were extremely quiet during the COVID pandemic. Paragraph 5.5.2 used the data from the COVID figures and therefore does not give an accurate reflection on the number of vehicles in the area and the potential increase that this development could add.
Hampshire Highways:	No objection from a highway's perspective. Previous concerns have now been addressed through the submission of additional information. The site access is suitable for HGV movements, with movements and times strictly controlled. The TRO preventing HGV access into the village centre is adhered to. Whilst on-site layout is not a highways matter, vehicle tracking drawings show that movement around the site is achievable, with an internal on-way system being followed at all times. On-site parking is tight but managed appropriately. No contributions are requested as total movements will not result in any significant increase to total vehicle movements along Broad Oak. If approved, a condition requiring the submitted traffic management plan to be operated at all times is recommended.
HCC Flood Authority:	No comments received.

Landscape & Design:	Object. Although there are some welcome changes to the proposed layout, including the removal of the hard standing in the NE corner of the site and an increase in buffer planting to the SINC woodland, our previous principal landscape objection remains unchanged. The site is within designated Countryside and settlement Gap 7 as identified in the adopted Local Plan. Any development within these areas should be resisted as it is erosive and counter to Policy. The conclusions of the submitted LVIA are noted but not agreed with. The open nature of the Gap is not dependent on whether it can be seen from the public realm or not. The fact is, the proposal will see part of an open field replaced with a large warehouse and parking area, thus diminishing the Gap.
Trees:	Holding Objection – Submitted tree information is incomplete and does not therefore allow a full assessment of the impact of that proposed.
Ecology:	That submitted is an improvement over previous submissions, including provision of a 20 metre buffer to the adjacent SINC. However, this buffer zone should be void of all development, including the proposed SUDS attenuation pond. Details on the construction of the pond are limited and unclear as to biodiversity and habitat benefits. Flow paths are too linear and could result in excessive water flows into the adjacent SINC. “I continue to raise an objection to this application due to potential adverse effects on Woodhouse Gully Wood SINC.” The drainage report states that the site conditions are not suitable for filtration drainage. How therefore can the new parking area to the west be drained?
Environmental Health:	No formal response received. However, previous comments are of relevance. Some concern over potential increased noise and air pollution, but this could be resolved if the applicant undertakes best practice guidance. No land contamination information has been provided. If approved, a CEMP will need to be conditioned.

Site Visit:	Yes ☐	No ☒
No formal site visit was conducted as part of this latest application. However, the site is well known to the case officer, having visited at least twice as part of previous applications. The last visit onto site was 22/11/2021 – See site visit photographs .		

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic Policies S1, S2, S3, S5 and S6; and Development Management Policies DM1, DM2, DM6, DM8, DM11, DM13 and DM18.

Supplementary Planning Documents:
Quality Places; Biodiversity;

Assessment:

Site & Surroundings:

The site slopes gently up in a northerly direction from the road before levelling off around halfway into the site and dropping down again towards the north-western corner.

There are no trees of note within the site, other than a line of trees along the eastern side of the main entrance route at the front of the site. There are further trees within boundary planting to the western side of the site, together with an area of woodland to the north and east.

The southern site frontage is set back from the road and screened by a large chalet bungalow to the western side, with a post and rail fence with new hedge planting behind atop a bank on the eastern side. The eastern side is generally marked by a 2.0 metre high hedge, as is most of the western boundary, although this hedge is closer to 4.0 metres. The rear northern boundary is generally wooded but is more open to the north-western corner, where the new parking area is proposed.

The site was originally used as an agricultural smallholding but has for the past 25 – 30 years been used by a haulage firm for storage and distribution purposes, albeit has seen rapid expansion in the past few years. The site consists of a number of storage/warehouse buildings of varying sizes, as well as open areas used for lorry parking, loading and unloading. To the south of the main warehouse structures is an area of hardstanding used for staff parking and vehicle storage. A further area of tarmac hardstanding has been laid to the east of the main site, again used for vehicle storage and which forms part of previous withdrawn planning applications and which this latest application proposes to remove.

The site lies outside the urban edge and within a designated Settlement Gap on a short stretch of road between the settlements of Hedge End to the west and Botley to the east. Immediately surrounding the site is agricultural land used for grazing and arable purposes.

Application Proposals:

The application seeks consent for the construction of an additional warehouse building of 560 sqm GIA, including new hardstanding to serve the warehouse to its south, which would measure approximately a further 1,250 sqm. The warehouse would be of the same scale as the largest of the existing three warehouses which sit across the centre of the site, with the new building to the east. There are further buildings to the rear (north), west and a number of smaller ancillary staff accommodation structures to the south behind the street fronting bungalow.

The proposals also include the provision of a new parking area of approximately 2,000 sqm to the north-west of the existing developed part of the site. This area is currently undeveloped paddock and would be finished in grasscrete, together with new boundary/buffer planting. This new parking area would replace an existing area of hardstanding to the north-east of the site which was laid without consent, and which it is proposed to pull up and provide an attenuation pond as part of a new SUDS drainage scheme to serve the new proposed warehouse and its associated hardstanding area. The proposals also include extensive new landscape and tree planting, as well as planted earth bunds to visually screen the development.

Part of the reasoning and justification for the construction of the existing hardstanding and proposed new hardstanding and warehouse is to provide vehicle storage for the South Central Ambulance Service. The site is not used for day-to-day frontline operations, but to store decommissioned ambulances which are exported to other parts of the world, brand new ambulances and fast response vehicles which need to be kitted out, as well as

ambulances and cars used for patient transport. The warehouse is required to allow vehicles to be loaded and unloaded under cover, as well as to store PPE equipment used by staff.

Whilst obviously an important part of the service's operations, no information has been provided setting out why this site is considered to be the most suitable (other than the applicant generously allowing the service to use his facilities free of charge throughout the Covid-19 pandemic) and why these operations could not be undertaken elsewhere. Notwithstanding the vital work the Ambulance Service has undertaken, the fact that it is they who are currently using the facilities carries little weight in the consideration of this planning application, which must be considered purely on planning grounds. As such, the proposals are being treated as an extension of the existing operations of the applicant's haulage business. Indeed, when undertaking their site visit the case officer noted that half of the new area of hardstanding was being used to accommodate lorries and trailers associated with the existing business. This is also evident from the latest aerial photographs available on Google Earth.

Policy & Principle:

The application site lies outside the urban edge and within an area designated as Settlement Gap, where Policies S5, S6 and DM18 apply.

Policy S5 sets out the forms of development considered acceptable within the countryside, which can include the "the extension and replacement of existing employment uses" provided the requirements of Policy DM18 are complied with. Policy S5 goes on to state that "In permitting new development in the countryside the Borough Council will seek to... avoid adverse impacts on the rural, woodland, riparian or coastal character, the intrinsic character of the landscape including the avoidance of adverse landscape impacts on areas adjoining national parks and their settings, the significance of heritage assets and on the biodiversity of the area".

Policy S6 relates to development within Settlement Gaps and states that development within these areas will be permitted provided it would not undermine the physical extent and/or visual separation of settlements; and would not have an urbanising effect detrimental to the character of the countryside; or the separate identity of the adjoining settlements.

Policy DM18 sets out when the extension or replacement of non-residential buildings outside the urban edge will be permitted and that development must also accord with the general development criteria and transport policies of the Local Plan. Strictly speaking that proposed is not seeking the extension or redevelopment of an existing building, rather the expansion of an existing employment use outside the urban edge. Nonetheless, DM18 is still considered to be relevant. The policy sets out the following criteria:

- a. the existing building is in lawful use and is not subject to a temporary permission;*
- b. the extension or replacement building is for a non-residential use;*
- c. the extension or replacement building would not have an urbanising effect on the countryside in terms of its density, scale, massing, layout and height;*
- d. access, car parking, landscaping and services can be provided without having a detrimental impact on the character of the countryside;*
- e. so far as possible the property is sustainably located in terms of accessibility by means of transport other than the private car;*
- f. the extended building or its replacement would be located within the existing curtilage unless its relocation or extension would contribute to improving the character and quality of the local area;*
- g. in the case of a replacement building, the proposal also includes the demolition of the building to be replaced; and*
- h. the development would not by itself or cumulatively with other recently permitted schemes undermine the Council's strategy for the development of employment-related floorspace (see strategic policy S4).*

Whilst the general requirements of criteria *a*, *b* and *h* appeared to be met, criteria *g* not being relevant, there are concerns in relation to the remaining requirements of the policy, which are set out in more detail below.

Although an improvement in some respects to previously withdrawn applications, which the LPA were minded to refuse, given this latest application involves expansion of the current operations outside the defined curtilage of the existing use into undeveloped countryside, thereby resulting in a physical encroachment into the surrounding Settlement Gap, that proposed is contrary to policy and not therefore acceptable in principle. On these grounds alone, the application is unacceptable and should be refused before issues of visual impact upon the surrounding countryside, the local gap, the highway network and neighbouring uses is considered.

Layout, Form, Scale & Design:

That proposed would result in a substantial expansion of the existing operation eastwards and to the north-west onto land which has not been previously developed. At the time of the 2017 application (F/17/81201) much effort was made to ensure that operations remained within the confines of the existing boundary hedging to the east and west, where it would benefit from visual screening and ensure that the industrial use and adjoining agricultural uses could be clearly demarcated. It is acknowledged that much work has gone on in recent years to tidy up the site and provide better quality buildings but this further expansion of the site beyond its originally defined boundaries shows that the site may have reached the limits of its capacity.

In terms of the appearance of the proposed warehouse building, it would match those that currently exist on site, and conditions could be applied to ensure appropriately coloured facing materials are used. Conditions could also be applied requiring the proposed additional landscape and tree planting to help screen the development is implemented within a reasonable timescale.

However, whilst measures could potentially be undertaken to try and screen the building and hardstanding area from view, as proposed, this does not overcome the fact that the existing industrial use would expand beyond the originally defined boundaries and into previously undeveloped countryside and Settlement Gap. As such, the development is contrary to Policy S6 in that it would undermine the physical extent and/or visual separation of settlements and would have an urbanising effect detrimental to the character of the countryside. Equally, it would be contrary to Policies S5 and DM18 in that it would result in an urbanising impact upon the countryside through the nature and form of that proposed, as well as expanding beyond the curtilage of the existing use.

Street Scene & Area Character:

The main industrial site benefits from a reasonable level of screening to the east and west by the original boundary hedges, the adjoining woodland to the north and the chalet bungalow fronting Broad Oak to the south. Whilst the warehouse buildings can be seen above the boundary hedge, the day-to-day operations of lorry movements, etc. are generally shielded from public view, meaning that the site could be seen as a large agricultural business, i.e. something that would be considered acceptable outside the urban edge.

The proposed expansion of the site into the open paddocks to the east would result in much of the existing mature boundary hedge being removed, providing clear views into the main site. Whilst new boundary planting is proposed, including tree planting, this would take some years to mature to a level where an equivalent level of screening is achieved, particularly given that a suitable mixture of native planting would be required rather than fast growing leylandii or laurel. Whilst general public views into the site are limited, views are still nonetheless available from Broad Oak, Cobbett Way, Woodhouse Lane and a public bridleway to the north. Much of the site's current screening is also outside the applicant's control, such as the woodland to the north.

The proposed new/replacement parking area to the north-west would potentially be more visible from longer range views via Woodhouse Lane to the north. Whilst this part of the site does benefit from mature boundary tree planting, it is much less dense than elsewhere along the northern site boundary. Again, substantial new tree and boundary planting is proposed, as well as surfacing the parking area with grasscrete, in order to assist in limiting its visual impact. However, this planting would again take some years to mature to a height and density sufficient to screen the development. The use of grasscrete also does little to assist in limiting the visual impact when the area is full of parked vehicles, particularly the ambulances proposed, which are purposely finished in bright high-visibility livery.

Even if the visual impact of that proposed could be mitigated to an acceptable extent, the fact that the development would be less easily seen cannot overcome the physical impact it would have upon the countryside and Settlement Gap. Were the development to remain confined within the existing industrial site boundaries, then it may be deemed to be acceptable with appropriate mitigation. However, its expansion beyond the current confines will diminish the gap and be clearly contrary to Policy S6 of the adopted Local Plan. It would also be contrary to Policies S5, DM1 and DM18 in that it would not respect the existing character of the immediate area or surrounding landscape. This impact upon the settlement gap and landscape character of the area will therefore form the main reason for refusal.

Ecology, Trees & Drainage:

As has been set out in the Council Ecologist's response the site is bordered to the north and eastern edges by the Woodhouse Gully Wood SINC. This is designated as an Ancient semi-natural woodland. The stream running through the SINC is Woodhouse Gully, a tributary of Pudbrook Lake, which is a tributary of the protected waters of the River Hamble. As such a minimum buffer of 20 metres free of any development is required to protect this ancient woodland SINC and the stream.

The proposals include the removal of the existing tarmac hardstanding to provide a drainage attenuation pond, as well as a new planted buffer zone to the SINC. These proposed features are welcomed in principle, however, this 20 metre buffer should ideally include no development, including the engineered pond. There may be scope to revise the drainage design, as well as the habitat enhancement potential of the pond to improve and protect the existing ecologically sensitive site. However, this information is currently lacking.

Equally, information in relation to impact upon trees is not complete, preventing a full assessment from being undertaken.

It is intended therefore to apply a reason for refusal regarding a lack of information to demonstrate that the proposed and existing development will not result in unacceptable harm to the adjacent SINC and watercourse, contrary to saved Policy DM11 of the adopted Local Plan.

Highways & Parking:

Concern has been expressed by objectors that an expansion of the site will result in increased lorry movements. This is not an unreasonable concern, and the supporting transport statement does highlight that vehicle movements could increase by up to 60 a day (48 HGVs + 12 NHS) to a total of 164. However, whilst a substantial increase when considering the site in isolation, this would only represent a 0.4% increase over and above existing traffic flows on Broad Oak, which will reduce when the Botley Bypass is opened. As such, the development would not in the opinion of the Local Highway Authority result in a significant effect on the highway network in terms of traffic movements and could not therefore be used as a reason for refusal. This was the position originally set out by the Highway Authority and remains unaltered.

Notwithstanding the comments in relation to total vehicle movements, the Highway Authority had previously highlighted concern in relation to the current site access onto

Broad Oak, as well as the site's internal layout in terms of HGV movements. In order to address these concerns updated supporting information has been provided detailing current and proposed access arrangements and a site access management plan, together with tracking drawings which demonstrate internal vehicle movements around the site. With the submission of this information, the Local Highways Authority is now satisfied that their previous concerns have been suitably addressed and that the resulting development will not result in any highway safety issues, provided the submitted management plan is conditioned as part of any planning approval.

With regards to parking, there appears to be sufficient provision for staff at present. However, space is very tight and does not meet the usually accepted standards in terms of parking space or aisle dimensions. If the existing staff car park were to be revised to meet these usual standards it would displace a significant number of vehicles. Whilst there is no suggestion this is intended or that these staff vehicles would be displaced off-site, further staff parking could adversely impact on-site operations and lead to additional space being required.

Notwithstanding the reservations in relation to on-site parking, the previously set out concerns of the Highway Authority have been adequately addressed and the application is considered to meet the general requirements of Policy DM13.

Amenity:

Concerns have also been expressed by objectors that an increase in lorry movements would lead to further noise disturbance from lorries entering and leaving the site, as well as vehicle movements on site including forklifts reversing, etc. Presently there are no planning restrictions in terms of operating times, given formal planning approval was never granted for the B8 use, albeit the use is accepted as being established. Whilst hours restrictions could be applied to a planning approval, it is not usual practice to apply such restrictions to existing established uses without very good justification. Given the Council's planning department is unaware of any complaints in relation to this, such conditions would be hard to apply.

Another amenity issue highlighted is that of lighting. Again, whilst the planning department is unaware of any received complaints in this regard, given the proposals would push development beyond the existing site boundaries and result in a large section of mature hedgerow having to be removed, it would be reasonable to apply a condition regarding the position, direction and specification of any external lighting required, were the application recommended for approval.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy.

The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally

Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use.

No specific information in relation to what if any sustainability measures are proposed has been provided. However, there is scope to the provision of PV panels to warehouse roofing, etc. which could be incorporated, albeit this would be better as part of a sitewide strategy.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

Recommendation:	PERMIT ☐	REFUSE ☒
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Whilst it is encouraging to see the business flourishing and the generosity of the applicant in assisting the Ambulance Service, the application must be considered on pure planning grounds. As such, the application has been assessed as an expansion of the existing B8 operations, given the use of the site by the Ambulance Service may well be only temporary, thereby allowing the existing business to utilise the proposed new external storage/parking area and warehouse. The LPA has therefore taken a long-term view on that applied for.

Were that applied for within the existing confines of the industrial site, then further development may be considered acceptable. However, the substantial expansion of the operation and urbanisation of previously undeveloped land to the east and north-west within an area defined as settlement gap is considered unacceptable and damaging to the landscape character of the area, particularly in such a narrow area of gap as that between Hedge End and Botley. As such the application is considered to be contrary to the requirements of Policies S5, S6, DM1 and DM18 of the adopted Local Plan.

In addition to this, it has not been demonstrated that the proposed development would not result in unacceptable harm to the adjacent SINC and protected waters, contrary to saved Policy DM11 of the Local Plan.

As such, the application is recommended for refusal for the following reasons:

1. The proposed warehouse and its associated external areas of hardstanding, together with the proposed new external parking/storage area, is a substantial expansion of the existing industrial operations onto previously undeveloped land outside the urban edge and within a designated Settlement Gap, resulting in urbanising physical and visual harm upon the gap and the landscape character of the locality. As such, the application is considered to be contrary to Policies S5, S6, DM1 and DM18 of the adopted Eastleigh Borough Local Plan 2016-2036, and the Council's Supplementary Planning Document 'Quality Places'.
2. Insufficient information has been provided to demonstrate that the proposed warehouse and its associated external areas of hardstanding, together with the

proposed new external parking/storage area, will not result in unacceptable harm to the adjacent Ancient Woodland and designated Site of Importance for Nature Conservation through damage to existing trees and habitat or pollution of the adjacent watercourse through discharge of surface water. As such, the application is considered to be contrary to Policy DM11 of the Eastleigh Borough Local Plan 2016-2036, and the Council's Supplementary Planning Document 'Biodiversity'.