

DELEGATED OFFICER REPORT

Application Ref: PN/23/95763

Site Address: Cockpit Farm Barn, Knowle Lane, Eastleigh, Eastleigh, SO50 7DY

Case Officer: Alex Webb

Description: Prior Notification application under Class R for the change of use of part of existing building to use Class E (g)(iii) for Industrial processes

Particular Site Constraints?	Yes ☒	No ☐
Nature Conservation NE - SSSI Impact Risk Zones HRA Screening Criteria (River, SAC, SPA, Ramsar) Solent Mitigation & Disturbance Zone Hazards/other environmental Environment Agency Surface Water Flooding (30 year/100 year/1000 year extent) Aviation safeguarding Airport Safeguarding Zones		

Planning History?	Yes ☒	No ☐
Z/30431/000/00 – Erection of Poultry house and Silo – permitted 23/08/1988 PN/22/92314 - Prior Notification application under Class R for the Change of Use of part of agricultural building to office use (Class E(g)(1)) (Amended Description) – Prior Approval Granted 25/03/2022 PN/22/92315 - Prior Notification application under Class Q for the Change of Use from agricultural buildings to 5no. dwellinghouses (Class C3) and for building operations reasonably necessary for the conversion (Amended Description) – Prior Approval Granted 25/03/2022 F/23/94713 - Construction of 6.no dwellings, including landscaping, parking and associated works following demolition and site preparation – Refused 18/07/2023		

Publicity:	Letters ☐	Site Notice ☐	Newspaper ☐
Representations:	14 x objections - Knowle Lane is a dangerous/unsuitable/narrow road - Increase in traffic - contrary to the Eastleigh local plan - reduces the green belt area between Horton Heath and Fair Oak safety of existing residents and local people and road users - diminish the gap visually by the increase of additional buildings, infrastructure, traffic and a reduction of natural green spaces, vegetation and established trees. These outcomes will impact the local wildlife and diminish the natural green corridor provide by these gap - consequences for the community - insufficient consultation - development unlikely achievable - unlikely to be developed within the plan period. - spoil the local countryside, - enhanced traffic calming - Knowle Lane does not need any further industrial or residential development. - Noise impacts - Road safety turning space (we support the findings of HCC with regard to the access) - No architectural merit whatsoever. - Not in keeping with the area - Urbanising impact - Tree protection		

	- Existing industrial/office units built at the Northern end of the lane have been a disaster - no demand there has been a desire to re-purpose these - Poor location, - traffic study questioned - Loss of amenity of the area - The noise and pollution assessments - inaccurate - traffic movements would create noise and air pollution - Impact/loss of biodiversity - notification process questionable - dangerous precedent - highly visible from the road side - changing the street scene of the area. - No need - contrary to EBC 'tackling climate change' - filling a green gap, removing vegetation and adding emissions through vehicles accessing site. 1 x comment - Insufficient neighbour notification - existing planning permitted - reasonable and traffic survey doesn't highlight any issues. - Knowle Lane is particularly sensitive to traffic as it's narrow, unlit and mainly residential. - additional regular traffic must be kept to an absolute minimum. - Details requested for what the 'commercial use' entails - no reason to either object or support.
Parish Council:	Objection - Previous comments regarding overdevelopment in the strategic gap, contrary to policy and concerns regarding highway safety still stand. The site is not appropriate for Class E being a semi-rural lane. EBC have a designated area in its local plan for this type of application. If the application progresses the Parish Council request it be referred to the LAC for consideration.
Pollution	Objection - concern for any planned dwellings in proximity and protecting occupants from harm and loss of amenity. Regarding dwellings vehicles using the proposed facility would pass by, they are in a settled village like setting. Commercial road associated with the planned development would seem incongruent if it was frequent and out of hours. The applicant draws comparison with agricultural use saying the planned development is not more impacting. But this is unlikely to be the case for road traffic and associated disturbance this can cause - a noise assessment is necessary. We are concerned about potential harm to dwelling occupiers and impact to their amenity. But we don't know what this will be because no information has been provided. The consultant's opinion is different to ours. Noise, smoke, dust etc are all relevant consideration at an interface with dwellings.
Highways	Acceptable in principle, however this would be subject to the receipt of additional information (to be assessed), clarification on issues and the imposition of conditions.

Site Visit:	Yes ☒	No ☐
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Policy:

**National Planning Policy Framework
Planning Practice Guidance**

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1, S5 & S6; and Development Management policies DM1, DM2, DM5, DM8, DM11, DM13 and DM14.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:

The site is situated to the north east of Horton Heath, on the west side of Knowle Lane. The building, subject of this application was erected in the 1960s. It is surrounded by a mixture of hard standing and grass. There are mature trees and shrubbery along the site boundaries to the north, east and south with a more densely treed area to the west. The neighbouring building to the north is the residential property Yew Tree Cottage.

The section of the barn proposed to be converted has been used for housing poultry and measures 500 sq mts.

The site is not within a flood zone or a Conservation Area, nor part of a military explosives storage area or a safety hazard area.

The building is not listed or within the curtilage of any listed building, nor a scheduled ancient monument.

This is not a planning application and therefore the normal statutory test under Section 38(6) is not relevant. The NPPF must be considered but *“only to the extent that it is relevant to the matter on which prior approval is sought...”*

Requirements for Prior Approval Applications:

Under The Town and Country Planning (General Permitted Development) (England) (Amended) Order 2015 some specified works can be carried out without requiring planning permission, providing they are within certain limits. Class R, of Part 3, Schedule 2 of the GPDO allows agricultural buildings to be converted into flexible uses including offices (Class E) providing:

- The building was previously used solely for an agricultural use as part of an established agricultural unit;
- The cumulative floor space of buildings does not exceed 500 square metres (this includes building which have previously changed use under Class R within the established agricultural unit);
- The site does not form part of a military explosive storage area or safety hazard area;
- The proposal is not for a listed building or scheduled monument.

In this case, it appears that the building has been solely in agricultural use prior to and since 3rd July 2012. The building forms part of the Agricultural Holding for Cockpit Farm. The operation of the Poultry House is believed to have continued until 2018. It is currently vacant and there have been no intervening uses.

The application for change of use does not include all the floorspace of the existing building. The extent of the change of use to Class E (g) (iii) for industrial processes is 500 sqm which will become separated from the remaining part of the building to the north east (for which there is an extant prior approval reference PN/22/92315 for change of use to Class C3 Residential). No other building on the site has been converted under Class R.

The site does not form part of a military explosive storage area or safety hazard area.

The proposal is not for a listed building or scheduled monument.

As such the proposal meets the requirement of Class R, of Part 3, Schedule 2 of the GPDO.

Prior Approval matters – only the following matters can be considered.

Transport and highway impacts

A Highway Technical Note and tracking diagrams from Nick Culhane Highway Consultant are submitted with this application. The note explains that traffic generated from the change of use of this building to Class E (g) (iii) industrial processes is unlikely to affect traffic flows, particularly given the lawful use as a poultry building and would result in daily traffic movements of 53, which would be 37 movements less than the Class E (g) (i) office use approved under PN/22/92314.

No changes are proposed to the existing access from Knowle Lane (to the west) to serve the industrial processes use of the building. The submitted site location plan shows the access and parking area to be provided. The Transport Note illustrates that adequate visibility is available at the site access junction with Knowle Lane and adequate provision for servicing by an LGV is illustrated in the swept path tracking diagrams provided. Trip rates associated with the development have also been provided.

In terms of parking provision, 12 parking spaces are shown. According to Hampshire Parking Standards 2002, 11 spaces are required and an additional space over the provision would be provided. It is proposed that refuse is to be collected kerbside and therefore no refuse vehicles should need to enter the site. Details of refuse provision and location could be subject of a pre-occupation condition if the prior approval were to be recommended for approval.

The Highways Authority comment that the proposal is acceptable in principle however, further information has been requested to demonstrate a car can access and egress whilst an LGV may be undertaking the opposite way and it is possible for two-way movements of standard cars to be achieved from all directions.

The applicant has provided tracking diagrams to show that two standard cars can pass one another at the access point however the applicants highway consultant has confirmed that it is not possible for a standard car and an LGV to pass simultaneously. If this situation were to arise, a vehicle would have to wait on the highway whilst the other left. The highway officer has confirmed that this would result in a potential risk to highway safety.

There is a pedestrian footway and street lighting along Knowle Lane, 163m from the site, from Goodwood Court to Botley Road (B3354). There is also public footpath running parallel with the northern boundary of the site which leads onto Botley Road where a bus stop is located 0.6km from the footpath. The Highways Officer has previously raised concerns over the lack of pedestrian facilities and highlights that if the site is to be utilised for employment purposes *“an adequate and safe way to travel to and from the site sustainably in order to help promote non-vehicle travel would benefit the users greatly”*. No information has been provided as to whether there would be further provision pedestrian facilities.

In the absence of further information on improved provision for pedestrian safety, tracking diagrams to demonstrate successful two-way movement of a standard car and LGV accessing and egressing from the site and lack of alternative access arrangements, the existing access arrangements are not considered to be adequate to meet the proposed use of the building for industrial processes and the proposal is considered to result in a potential risk to highway safety, contrary to local plan policy DM13.

Noise Impacts

Industrial processes by nature are likely to generate noise pollution and the site is within a countryside and settlement gap and is therefore considered to be sensitive. The supporting letter to the application states that *“proposed use will not result in noise impacts that are greater than the existing agricultural use and uses within class E(g)(iii), are by definition, appropriate within residential areas”*. No evidence was provided to support the claim that the noise impacts would be no greater than the lawful agricultural use. The Pollution Officer requested for a noise impact assessment to be provided to assess the impacts of the development compared to the existing lawful use and the potential impact were the extant prior approval (PN/22/92315 under Class Q for 5 residential dwellings) on the northern section of the building implemented.

The applicant has provided a supporting letter from an acoustic consultant which quotes the definition of use Class E(g)(iii)- light industrial (formerly B1) as defined in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 no 757 Regulation 13) as *‘Any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell fumes, smoke, soot, ash dust or grit’* and states that *‘On the basis that by definition this industrial use class is may be carried out in a residential area without generating loss of amenity due to noise impact it is our opinion that the request from Eastleigh Borough Council is unreasonable and a noise impact assessment not required’*. As stated above, the site is not within a settlement boundary, it is in a countryside and settlement gap. The area is not predominated by housing and is not therefore considered to be ‘residential’ in nature.

The provision of a noise impact assessment and details of measures to mitigate and reduce any adverse impacts on health and quality of life are therefore justified and without such information the proposal is considered to result in unacceptable noise impacts contrary to local plan policy DM8.

Contamination

The building has been used to house poultry. The application is accompanied by a Desk study and preliminary risk assessment report from Lake Environmental (July 2021). This recommends that *“a preliminary targeted and general site coverage intrusive investigation is undertaken, to be supervised by an appropriately qualified and experienced engineer. Additionally, an asbestos survey should be undertaken on the structures”*. Further information would be required to identify any former or current off-site uses that have the potential to impact on the proposed development and for an asbestos survey to be undertaken on the existing building. The local planning authority is satisfied that these matters could be covered by way of a suitable planning conditions if the prior approval were to be recommended for approval.

Flood Risk

The application site is located within Flood Zone 1 and therefore in an area of low flood risk from fluvial sources. Furthermore, it doesn't lie within a “critical drainage area” notifiable by the Environment Agency. For these reasons there is no requirement under Class R to consult the Environment Agency.

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 need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

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. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

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: For the reasons set out above, prior approval is refused for the following reasons:

- 1) The existing access arrangements are not considered to adequate to meet the proposed use of the building for industrial processes and therefore proposal is considered to result in a potential risk to highway safety, contrary to policy DM13 of Eastleigh Local Plan (2016-2036) and National Planning Policy Framework.
- 2) Insufficient information has been provided to demonstrate that the conversion of the building would not result in acceptable noise impacts contrary to policy DM8 of Eastleigh Local Plan (2016-2036) and National Planning Policy Framework.

Recommendation:

PERMIT ☐

REFUSE ☒

Comments ...