

DELEGATED OFFICER REPORT

Application Ref: F/23/95920

Site Address: BUS SHELTER 0041 OUTSIDE SCHOOL PLAYING FIELDS,
CHESTNUT AVENUE, EASTLEIGH

Case Officer: Gary Osmond

Description: Use of land for site compound, including office/welfare facilities, and provision of hard surface for plant and material storage and parking, for a temporary period of up to 4 months (retrospective).

Particular Site Constraints?	Yes ☐	No ☒
- Within the urban edge		

Planning History?	Yes ☐	No ☒
There are no records of previous planning applications relating to this site.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	One representation received from a near neighbour objecting to the application on the grounds that: it was already in place prior to the planning application being submitted; noise and disturbance caused by contractors; working hours; parking; and damage to the greenspace and removal of trees.		
Eastleigh Town Council:	No comment received.		

Site Visit:	Yes ☒	No ☐
Details: 30/08/2023 – see separate site photos		

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 and S2; and Development Management policies DM1, DM2, DM6, DM8, DM11 and DM14.
Supplementary Planning Documents: Quality Places; Character Area Appraisals.

Assessment:
Proposals: The application seeks retrospective consent for the erection of a temporary construction compound in association with various highway improvement works which are being undertaken throughout Eastleigh Town Centre and streets to the south. The compound includes double height site office and welfare facilities, plant and equipment storage, materials storage, and parking for contractors and works vehicles. The compound sits at the eastern end of a large grass area/verge which lies between the main Chestnut Avenue carriageway and a separate residential side road which runs parallel. The compound is approximately 65 metres in length and 12 metres at its widest point.

Policy, Principle & Retrospective Application:

The application site lies within the urban edge where the basic principle of development is considered acceptable, with any formal planning approval being dependant on how well the development accords with the relevant policies within the adopted Local Plan and Supplementary Planning Documents.

In this instance the most relevant policy is DM1, which requires development to be of a high quality, to take appropriate account of its context and the character of the locality, as well as ensure impact upon neighbouring occupiers and uses is minimised. Other relevant policies include: DM2 – Environmentally sustainable development; DM6 – Sustainable surface water management; DM8 – Pollution; DM11 – Nature conservation; and DM14 – Parking.

Usually, construction compounds can be erected without the need for formal planning approval (permitted development). However, this only applies when the compound is provided on the construction site itself. In this instance, the associated works are elsewhere in the town centre, meaning that the usual permitted development rights do not apply. Hence the need for formal planning approval. It is unfortunate that consent for the compound was not sought and granted prior to the compound being installed. However, this cannot be used as a reason to refuse an application or apply any negative planning weight. As such, the application must be considered on the same planning grounds as if it were a future proposal.

Layout, Street Scene & Area Character:

As mentioned above, the compound sits at the eastern end of a large grassed area which runs along the southern side of the main Chestnut Avenue carriageway, separating residential properties from the main road. Access into the compound is via the parallel residential street.

In terms of the street scene, whilst the arris fencing and site office containers are not the most attractive of features, there will only be in place for a temporary period of time. As such there will be no long term impact upon the visual amenity of the locality or character of the wider area. The intention is that works will be completed prior to Christmas 2023 and a condition is recommended requiring the compound and all associated structures, materials and equipment to be removed and the site reinstated before the end of January 2024. This will allow some additional time should the works overrun.

Amenity:

Objections have been raised in relation to disturbance as a result of contractor's movements, opening and closing of the gates, etc. together with lack of communication as to when the compound was to be installed and how long it will be required. The LPA is not responsible for communication with residents, other than in relation to this planning application, as the works are being undertaken on behalf of the Local Highway Authority.

Whilst there may be scope to apply conditions in relation to working hours and/or management of the compound as part of this planning application, it may not be feasible to do so in this instance. Restricting working hours to the usual daytime hours will not easily fit into the working schedule. By restricting the hours when the compound can be used and accessed, will reduce the time available to complete the town centre works, resulting in the project taking longer, and the compound needing to be in place for a longer period. It is also the case that the works are almost complete, as such any such restriction on working hours or management of the compound would provide little improvement for residents. As such, the sooner the main works can be completed, the sooner the compound can be removed and verge repaired. It is considered that this would have a greater benefit to the amenity of local residents, than forcing the works to continue for a longer period than originally intended.

Highways & Parking:

Whilst adjacent to the highway, the compound has had no impact upon vehicle movements and has raised no highway safety issues. The comments with regards to parking being provided to contractors when residents must have permits is noted. However, the provision of dedicated on-street parking for contractors ensures that on-street parking is not impacted and that access to residential properties is not impinged upon.

Trees, Ecology & Drainage:

The neighbour objection raised the issue of loss of trees. However, whilst the compound has been positioned very close to a number of existing small street trees, it does not appear that any have been removed. Notwithstanding, a condition requiring any trees which have been removed, or any which die as a result of the compound's placement within six months of its removal, to be replaced within the next planting season.

In terms of ecology, the grass area/verge provided little in the way of biodiversity habitat and a large area of verge remains untouched. As such, the compound is not considered to have resulted in any significant ecological harm. Notwithstanding, a condition is recommended for the verge to be reinstated, meaning that any habitat lost would be replaced.

No formal temporary drainage has been installed to serve the compound. However, the temporary hardstanding consists of simple hardcore and gravel, meaning that it is permeable and allows natural percolation into the ground as would have been the case previously.

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.

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:

Recommendation:

PERMIT ☒

REFUSE ☐

For the reasons set out above, the application is recommended for approval subject to conditions relating to:

- Approved drawings;
- Temporary approval period and reinstatement of land to its former condition; and
- Replacement of removed trees of those which die within six months.