

DELEGATED OFFICER REPORT

Application Ref: F/23/95554

Site Address: Old Oak Farm, Winchester Road, Fair Oak, Eastleigh, SO50 7HD

Case Officer: Summer Sharpe

Description: Retention of 12no. structures associated with the agricultural small holding.
(Retrospective Application) (Amended description)

Particular Site Constraints?	Yes ☒	No ☐
• Countryside • HRA Screening: SAC, SPA & Ramsar • Great Crested Newt (Amber Zone) • Surface water flooding • Archaeology zones • Minerals & waste		

Planning History?	Yes ☒	No ☐
Planning App no.	Proposal	Decision
A/23/96043	2.no. totem sign boards (2.4m high in total) with 1.2m wide oval head boards.	Advert Consent (November 2023)
Further south of the application site:		
F/23/96082	Removal of two mobile homes and accompanying buildings and replacement with two new self-build dwellings, creation of new paddock area, improvements to access sight lines, and new landscaping of site frontage.	Under Consideration

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	None received.		
Parish Council:	No objection.		
Environmental Health:	<u>Comments 19 September 2023:</u> Additional information regarding the keeping of chickens/ cockerels and any measures in place to prevent cockerels from disturbing the nearby residential uses.		
Contaminated Land:	<u>Comments 17 November 2023:</u> Following the response from Knight Architectural Design (KAD), as all buildings are sat on concrete slabs and have no foundations, then disturbance of soil was minimal and no concerns of contaminated land, retrospectively. In terms of site operations, the ecology team raised a point about possible increase on animal waste. Can we clarify how animal waste will be managed/ disposed of. <u>Comments 11 October 2023:</u> The planning statement indicates none of the structures (neither the animal housing nor storage sheds and cabins) have foundations, which means disturbance to the ground have been minimal. According to the historical records, the site has not been developed; however, the south and west area of the site fall within a potential identified contaminated land in relation to brickworks from hill View Caravan Park located to the west (firstly identified in 1990). Our records indicate that 'Projects involving shallow working < 0.5mbgl only: Advise contractor regarding potential presence of		

	contamination and refer to Pollution Team for further information'. Considering this, if the applicant continues to do breeding as has been done so far, then is fine. However, if the applicant is planning to build structures that involve excavations deeper than 0.50m bgl then a Phase 1 Desk Study Report including a conceptual site model and preliminary risk assessment should be submitted for approval, and subsequent intrusive ground investigation report and any remedial measures according to the findings of that report.
Ecology:	<u>Comments 24 November 2023:</u> Additional information is still required about management and disposal of animal waste. The HCC Highways response (October 2023) mentions that visibility splays may require cutting back or re-aligning of adjacent hedgerows. The hedgerow could provide suitable habitat for nesting birds, reptiles, amphibians and small mammals. Any vegetation removal would need to be done outside of nesting bird season (usually between March – August), and outside of hedgehog season (October/ November – March/ April). If this is not possible then a nesting bird and hedgehog check by a suitably qualified ecologist must be done immediately prior to vegetation removal. If any active bird nests are found all work must stop and a 5m buffer must be set up to protect the nest from disturbance until after the young have fledged and left the nest. If hibernation hedgehogs are found, they must not be disturbed. The taller grassland and hedgerow area could provide habitat for terrestrial great crested newts and common reptiles. To avoid harm to any reptiles/ amphibians, any disturbance of the hedgerows to improve the visibility splay should be done when these species would normally be active (April – September). <u>Comments 5 October 2023:</u> The site is approx. 100m south of Bow Lake, a tributary of the River Itchen. There is a large field between this property and Bow Lake. It is largely a green great crested newt zone, but the western third of the property is in an amber zone. There are no records of great crested newts near this site. there are records of bats, hedgehogs and badgers near the site and records of swifts in the wider area. The retrospective planning site drawing shows the locations of the site buildings, storage containers, and sheds with what appears to be a woodland or overground hedgerow along the northern boundary. The drawing shows vegetation extending south into the site almost to the access road. The marshy area and what looks like a ditch, or a depression are also shown. Aerial photos show the southern extension of the hedgerow or scrub to be much smaller than what is shown on the drawing. The planning statement shows a photo of the marshy central site left to grow wild and mentions an existing hedge bund at the entrance. The vegetation along the northern boundary is not shown except in the distance. Surface water drainage would not be significantly impacted by the change of use application other than water quality concerns due to nutrient input from animal wastes. How is this waste disposed of? Excess nutrients from manure encourages the growth of plants such as thistles, nettles and dock and

	decreases plant diversity. What is the extent of the hard surfaces? An appropriate biodiversity enhancement would be a fenced off meadow area with flowering plants for pollinators or a flowering meadow mix which could be lightly grazed by the sheep. The marshy area could also be enhanced with additional bog/pond margin flowering plants and lightly managed to maintain a diversity of vegetation. This planting and biodiversity management plan can be conditioned. Water butts and rain gutters can be installed on the building to store rainwater for topping up the marshy area and for watering the meadow area in dry periods. There is no information about toilet facilities on site.
Hampshire Highways:	<u>Comments 4 December 2023:</u> No objection. The 12no. structures are shown on drawing KAD-01-A-COU, along with other existing buildings, and these have been assessed for obstruction (visibility and physical) relating to the highway. It can be confirmed that all structures are set back sufficiently (minimum 2.4m from the highway edge) into the site to not affect visibility onto the highway, and adequate space is afforded on site for the structures to be negotiated by vehicles entering and exiting site. <u>Comments 4 October 2023:</u> Holding objection. Confirmation that visibility splays at the access are appropriate is required. The former agricultural use of the site would have been anticipated to be low level and infrequent. However, it is understood that the proposed use will intensify vehicle movement in and out of the site largely due to the retail element (egg and livestock sales). For this reason, adequate visibility in and out of the site is necessary from a highway safety perspective, and unfortunately no drawings of such visibility splays, set against appropriate speed levels have been submitted. If visibility splay drawings can be produced, which may require the cutting back or re-aligning of adjacent hedgerows a re-assessment can be undertaken.
Hampshire Archaeology:	The submitted planning statement states that none of the erected structures involved foundations and as such no groundworks have taken place or are proposed, at this time, that would negatively impact archaeological remains. As such, I do not wish to raise any archaeological issues.

Policy:

National Planning Policy Framework

National Planning Practice Guidance

Development Plan:

Eastleigh Borough Local Plan 2016-2036

Policies: S1 (Delivering sustainable development), S2 (Approach to new development), S5 (Countryside), DM1 (General development), DM3 (Adaption to climate change), DM6 (SUDs), DM8 (Pollution), DM11 (Nature Conservation), DM13 (Transport), DM17

(Agricultural development), and DM18 (Extension and replacement of non-residential buildings in the countryside).

Supplementary Planning Documents:
Quality Places; Residential Parking Standards.

Site Visit

Yes ☒

No ☐

23 October 2023.

Assessment:

Site & Surroundings

The application site comprises a piece of land located to and accessed via the east of Winchester Road (B3354). The site falls within the designated countryside and is currently being used as a small holding with structures (which are subject to this application). It is also noted, within the history section that there is signage associated with the site.

The surrounding area comprises countryside, to the north and east are open fields, to the south-west is Hillview Manor Park, and further south is 'In-Excess Garden Centre'.

Proposal

Retention of 12no. structures associated with the agricultural small holding. (Retrospective Application) (Amended description).

The description of development has been amended. Originally the description read *"Change of use to poultry and livestock farm, with associated structures, and hard surfacing"*.

This was amended as the use of the site is considered to be agricultural given the countryside location. Therefore it was the structures and hard surfacing/ associated works which require consent.

Turning to the structures, these are all situated within the western portion of the site. These provide storage areas for food, shelters for the animals and also office buildings.

Structures A & B: have a footprint of 3m by 3.5m and a pitched roof with a maximum of 2.7m in height with eaves which measure approx. 2m.

Structures C, D & E: have a footprint of 2.4m by 2.5m. These have mono-pitched roofs with a maximum height of 1.3m.

Structures F & G: have a footprint of 1.7m by 2.8m, these have a pitched roof with a maximum height of 2.3m with eaves which measures approx. 2m.

Structure H: has a footprint of 2.4m by 3.3m. this has a mono-pitched roof with a maximum height of 1.3m.

Structure I: has a footprint of 3m by 4.4m. This has a pitched roof with a maximum height of 2.5m and eaves which measure approx. 2m.

Structure J: has a footprint of 7m by 2.2m. This has a pitched roof with a maximum height of approx. 3m, and an eaves height of approx. 2.5m.

Structure K: has a footprint of 10m by 2.6m. This has a mono-pitched roof with a maximum height of 2.1m.

Structure L: has a footprint of approx. 7.8m by 4.8m. This has a pitched roof with a maximum height of 3.1m and an eaves height of 2.3m.

All structures are constructed of timber.

Principle

The application site falls within designated countryside protected by Policy S5. This Policy sets out that new development in the countryside is generally restricted and notes (1) compatible usages for which new development in the countryside is appropriate. Section 1.a of this Policy relates to the provision of employment through agricultural development and the extensions and replacement of existing employment uses, which is expanded upon in Policies DM17 and DM18. Policy S5 also goes on to stipulate (2) that new development in the countryside will seek to avoid adverse impacts upon the intrinsic character of the landscape.

The proposals are seeking retrospective permission for the siting of 12no. structures associated with the agricultural small holding. The buildings/ structures provide storage areas for food, shelters for the animals as well as office buildings associated with the use. The use of the site (agricultural) and provision of employment (albeit a small amount) is considered compatible within the countryside, in accordance with Policy S5. This Policy also requires new development to not adversely impact the intrinsic character of the landscape. The structures are all single storey and of a modest size. As such, are not considered to have an adverse impact upon the landscape of the countryside. The design merits, will however, be assessed fully below. The proposals would also be subject to other considerations, albeit the principle is accepted.

Design

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

The application seeks retrospective permission for the siting of 12no. structures to be used in association with the agricultural small holding. As set out above, the structures are of varying sizes and uses but are all single storey in nature. As a result of their single storey nature and design, they are not considered to be visually harmful in isolation. Given the countryside nature, which is considered to comprise open and organic fields/ green space, the introduction of structures would have a visual impact. However, along with the countryside nature, animals and the keeping of livestock is not uncommon, thus associated paraphernalia is not considered harmful, subject to its design and scale. As a result of the scale and design of the structures (being single storey) it is not considered that the proposals, even within the countryside location, would be harmful. To conclude, the proposals are considered to be acceptable in this regard.

Impact upon Neighbouring Amenities

Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.

Due to the scale and siting of the structures, the proposals are not considered to have an adverse impact upon the amenities of the neighbouring properties.

The proposals, as a result of the sales element, would generate additional comings and goings and noise. The existing access is considered acceptable, as will be expanded

upon below. The noise generated by this is not considered to be harmful given the separation distance of neighbouring amenities. The Council's Environmental Health Officer noted that cockerel noise should be mitigated where possible. The applicant has advised that the cockerels are housed at the furthest point from residential dwellings (increasing the already sufficient separation distance). Other than the siting, there are no other noise mitigations in place. However, it should be noted that the site falls within designated countryside whereby the housing of animals (including cockerels) is not uncommon and is therefore accepted. Ultimately, and to conclude, the proposals would be acceptable in this regard.

Highway Safety & Parking

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

Due to the nature of the proposals, the Local Highways Authority (LHA) have been consulted. They originally raised a holding objection with regard to the visibility splays. The agent provided amended plan "KAD-01-A-COU" which showed that the proposals would not impact upon visibility splays and the existing access and splays were adequate.

Turning to parking, it is noted that the proposals would result in the sale of poultry and associated products generating cliental visits. There is an area of hard standing allowing for parking. The applicant has advised that collection of products is arranged and therefore there is unlikely to be a surge of vehicles on-site at one time, more of a steady amount of cliental throughout the day, whereby parking provisions would be sufficient. Subject to this arrangement there would be no concern with regard to parking provisions.

Drainage & Ecology

Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included. Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.

Starting with drainage, it is noted that the site is within 100m (south) of Bow Lake, a tributary of the River Itchen, which is separated by a large field. The Council's Ecologist noted that surface water drainage would not be significantly impacted, however concerns were raised with regard to water quality and nutrient output from animal waste. They noted that no information about toilet facilities had been provided. They also noted that water butts and rain gutters can be installed on the building to store rainwater for topping up the marshy area. As such, it is recommended that further details be secured via a condition requiring additional information.

With regard to ecology, the Council's Ecologist has been consulted. They noted that there are records of protected species (bats, hedgehogs and badgers) near the site. As the proposals are retrospective, biodiversity enhancements are required. They are happy that these can be conditioned.

Therefore, and to conclude, subject to conditions the proposals would be acceptable in these regards.

Contaminated Land:

Policy DM8 of the Eastleigh Borough Local Plan (2016-2036) stipulates that development will not be permitted if it is likely to cause loss of amenity of impact upon public health or other unacceptable environmental impacts; including land contamination.

Due to the nature of the proposals, the Council's Contaminated Land Officer (CLO) was consulted. They originally raised concern with regard to any foundations of the structures. The agent confirmed that none of the structures had foundations, as they are sat on concrete slabs. The CLO concluded that the disturbance of soil was minimal and there were no concerns of contaminated land. However, they did query animal waste management. This is recommended to be secured via condition.

Equalities Act:

Section 149 of the Equalities Act 2021 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.

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 and development plan 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 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 and 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 limit impacts on climate emissions as a result of the development or its use.

Conclusion:

The application is recommended for approval, subject to conditions.

Recommendation:

PERMIT ☒

REFUSE ☐