



Lucid Planning Ltd
11 Pinewood Road, Hurdle. SO41 OGN
E: abarker@Lucidplanning.com
T: 07585 289488

Our Reference: 1168P/PriorNot2/AB

Dawn Errington
Principal Planning Officer
Eastleigh Borough Council
Development Management Unit
Eastleigh House
Upper Market Street
Eastleigh
SO50 9YN

21 December 2023

VIA PLANNING PORTAL ONLY

Dear Ms Errington

Prior Approval Submission, Farm Access, Land North of Pembers Hill Park, Pembers Hill Stud Farm, Fair Oak- REVISED SUBMISSION

We write on behalf of the owner of the above referenced site, being Mrs Cooper, and take pleasure in submitting herewith a Prior Approval Notification application in line with the terms of Part 6A of 'The Town and Country Planning (General Permitted Development) (England) Order 2015' relative to provision of a 'new agricultural access' to be located to the north west of Pembers Farm Avenue.

This is a revised submission following initial pre app discussion and subsequent lodging of a previous Prior Approval Notification assigned reference PN/23/96033 by Eastleigh Borough Council (EBC). The referenced submission attracted a number of comments from both technical consultees and third parties, with the decision being taken to withdraw the application to enable all matters to be appropriately addressed/ justified. Indeed, this new application clarifies the position with land ownership, provides further explanation and justification from specialist consultants for the works and contains additional supporting detail which seeks to reflect on all of the issues previously raised. Your comments of 7 November 2023 are noted, although we believe that it is not appropriate to pre-judge this submission in advance of considering the detailed reports now provided which seek to respond to all matters raised.

In line with both local and national requirements, and in an attempt to provide a suitably robust submission, it is confirmed that the application comprises of the following:

- Covering letter (this letter)
- Application form



- Submission fee in the order of £184, including administration fee, paid via the Planning Portal
- Site location plan (PEM-LP-100C) with red line extending to the public highway, being Mortimers Lane
- Block plan (PEM-EG-200A), detailing location of proposed access and exiting access to be closed, whilst illustrating basic changes within the adjacent residential development parcel to facilitate this
- Plan detailing new access detail (DSM/E4679/355 AA- External Works Layout)
- Agricultural Justification Report produced by Reading Agricultural Consultants
- Agricultural Access Transport Technical Note, i-Transport
- Site Photographs detailing existing access arrangement and constrained approach to it
- Detail of the proposed 4.2m metal fence to be erected at the new access point
- Plan detailing location of existing field access points proximate to the application site
- Other supporting detail taken from the outstanding condition changes (DC/23/96078) and NMA to RM/18/83278 relative to the intended hard and soft landscaping changes on the residential site to facilitate the access including Landscape Masterplan/ Green Infrastructure Plan; Combined Hard and Soft General Arrangements Plans (D2593.L 101); Detailed Soft General Arrangements Plans (D2593 L.391); Plant Schedule and Specification and Ecological Walk Over Report

The submission has been prepared and is submitted to ensure appropriate access is retained to the land to the north of the Pembers Farm Park development, which is currently under construction (RM/18/83278). During the development process it became apparent that the existing access (located to the north of Pembers Farm Avenue) is not suitable to accommodate all agricultural vehicles. This is because it has become isolated and is off set from Pembers Farm Avenue (see picture 2) which is a narrow one-way street and is unsuitable for farm vehicles. Accordingly manoeuvring would be extremely challenging (refer to drawing containing swept path analysis) and would compromise residential safety. This application is therefore submitted to ensure that an appropriate, safe and suitable access is provided to facilitate continued use of the land to the north of the site for agricultural purposes.

It is highlighted that the residential developer, being Countryside Partnerships Southern, has progressed revised planning condition discharges (conditions 10 and 11) relative to landscape, trees and ecology (DC/23/96078), along with Minor Amendments to the approved Reserved Matters (surfacing, landscape and tree protection detail) to facilitate the agricultural access point applied for here. Once approved these changes, along with the physical access submitted, will serve to provide the required access and help with the continued operation of the wider farm.

During consideration of the previous application (PN/23/96033) a range of issues were raised by consultees, which the applicant seeks to now address through this extended submission. For completeness it is considered appropriate to briefly reflect on some of these points, whilst signposting where further relevant detail can be found.



- *Why is the access needed and why now?*

The wider farm (red and blue land shown on page 2 of the RAC Agricultural Justification Report) was originally owned by Mr and Mrs Cooper, although they separated over 20 years ago and as clarified by Mrs Cooper relative to the application site (red line area):

“I am the sole owner of the land since 2010. Since I ceased being business partners with my former husband, Mr Cooper, in 2018, it has been necessary to re-establish independent access to my land. This requirement was delayed while Pembers Hill development took place, and I have been content, for a few years, to let Mr Cooper continue to farm my land.

However, although I may continue with this arrangement in the short term, there is no legal status between us, so I do need to ensure my land can be properly serviced and farmed independently, as it always was. I am currently limited to only being able to let it to Mr Cooper, as I don’t have suitable access for it to be farmed independently”

The access point is purely to provide limited agricultural access via provision of a new crossing point. It is not to create a new public highway or a through road.

The access will be used infrequently by slow moving agricultural vehicles and will serve to improve safety for users and local residents, which is one of the main drivers for the submission.

The submitted details show removal of the existing ‘isolated gate’ and its replacement with additional hedge planting to enable no net loss of priority habitat hedgerow.

Full detail is provided on the need for the access within the Justification Report attached.

- *What access arrangement have been in place up to this point?*

Mrs Cooper originally gained access to her land across the land that is now the Pembers Hill Park development, and during its construction across land to the north east/ west, owned by her former husband. However, now the adjacent residential construction is complete, and the business partnership with her former husband is over, it is necessary for Mrs Cooper to be able to gain agricultural access to her land independently, without the need to cross third-party land. Such an aspiration is entirely appropriate and usual for a farm.

Full detail is provided on the need for the access within the Justification Report attached. Reference can also be made to the Transport Technical Note.

- *Is the existing access capable of continuing to be used?*

As is detailed within the Transport Technical Note the existing access would require agricultural vehicles to negotiate a one-way system, whilst tracking demonstrates that a tractor with trailer would be unable to satisfactorily do this. Furthermore, the remainder of the one-way system is narrower (at circa 3.7m) than the main spine road with the tractor taking



up much of its width. There is also a risk that parked vehicles could prevent egress. Such an arrangement is not appropriate or safe.

- *Can another existing access be used?*

The accompanying plan identifies the existing access points. It is noted that there is an existing field access on Mortimers Lane (permitted under F/19/84748 in 2019), but this provides access to the immediate field parcel and adjoining land owned by Mr Cooper and as detailed within the Justification Report does not give independent or guaranteed access to Mrs Cooper's land, thus restricting its beneficial use.

There are noted to be gates on Hall Lane, but these give access to further third party/ unrelated land. There is an existing access to the field in question off Pembers Farm Avenue but this has been isolated and is off set on Pembers Farm Avenue which is unsuitable for farm vehicles and manoeuvring would be extremely challenging. It is for this reason that the current proposal has been progressed to simply replace this access in a more suitable location.

Further detail is provided within the Transport Technical Note and Justification Reports attached.

- *What vehicles will be accessing the site and on what frequency*

The land is permanent pasture and is therefore used for a hay/ silage crop with aftermath grazing, usually by sheep. As detailed within both the Transport Note and Justification Report this will attract low levels of use by Land Rover type vehicles or quad bike, sheep trailer, hay tedder and tractor. In total, yearly vehicle movements would equate to circa 97 visits, or an average of 1 to 2 visits to site per week.

The historic use of the access has been unrestricted.

Refer to Transport Technical Note and Justification Report for further detail.

- *What will be the impact on highway safety?*

The Transport Technical Note looks at all highway issues, including pedestrian safety and concludes that:

“This report fully addresses the comments of HCC and demonstrates that safe and suitable access can be gained to the field from Pembers Hill Park via the relocated access and there would be no unacceptable safety impacts arising from these very modest proposals.”

- *How will the applicant prevent mud being left on the road?*

It is highlighted that as noted in the Transport Technical Note the adjacent estate roads are to be offered for adoption and accordingly will be cleaned as part of regular highway maintenance.



- *Was pre app advice secured from HCC Highways?*

It is confirmed that prior to progression of application PN/23/96033 HCC was consulted on four potential locations/ designs for the agricultural access. The design then presented, as also reflected here, is based on HCC's stated preference.

- *What will be the impact on ecology?*

It can be noted that the residential developer has supported the condition revisions and NMA submission with an Ecological Technical Note, which is reattached to this submission. Further, in direct support of this application the ecologist has advised that:

“Losses of hedgerow and semi-improved grassland will occur... The grassland doesn't present a constraint but the hedgerow is priority habitat...at 1.9 of our notes we state that ‘Proposals include the replacement of the existing gate location with landscaping to ensure there is no net loss of hedgerow’.”

- *Will the intended works impact the comprehensive landscape scheme on the residential development?*

It is acknowledged that a detailed landscape scheme has been approved through condition for the adjacent residential development, but the amended condition discharge that is being sought by the developer demonstrates how that comprehensive and entirely appropriate approach can be carried forward with small-scale changes delivering the access and retaining the integrity of the landscape approach.

For further details refer to the landscape plans attached.

- *What is the detail of how the landscaping approach will be changed*

The accompanying landscape drawings clearly detail the works on the adjacent residential site. In particular, regard should be had to the Combined Hard and Soft General Arrangements Plans (D2593.L 101).

- *What will be the impact on the Ash tree, including its root zone?*

As detailed within the accompanying drawings, particularly PEM-EG-200A Access Tracking, the intention is that the Ash tree is to be retained, whilst all works are to take place outside of the RPZ.

- *Will the change result in more activity/ noise?*

From the comments that were made relative to PN/23/96033 there seemed to be a general misinterpretation of the detail of the Prior Notification submission. It is emphasised that this is purely a proposal to replace an existing access point, whilst the existing one will be removed. As such, the level of activity will not be increased and the total number of access points will not go up. Accordingly, any associated noise will be unchanged.



It is clear from the above, and the extensive supporting detail provided, that the access is required for genuine agricultural purposes, whilst the extent of the proposed works is the minimum to enable the farm to continue to function effectively. Accordingly, we would request that the application be presented to the first available Planning Committee with an Officer recommendation of approval. Appreciating this, should you have any queries or require anything further please feel free to contact me.

Yours sincerely



Adrian Barker
Director- Planning

C.C Mrs Cooper

Enc.