

DELEGATED OFFICER REPORT

Application Ref: PN/23/96355

Site Address: Cockpit Farm Barn, Knowle Lane, Horton Heath

Case Officer: Rebecca Altman

Description: Application for Prior Approval under Class R of the General Permitted Development Order, for conversion of part of existing building to light industrial use (Class E(g)(iii)).

Particular Site Constraints?	Yes ☒	No ☐
• Countryside • Settlement Gap • Public footpath alongside northern boundary • Surface water flood risk west side of site (watercourse) • Aviation safeguarding (not applicable to proposal) • Nutrient neutrality catchment (Itchen and Solent) (not applicable to proposal)		

Planning History?	Yes ☒	No ☐
• PN/23/95763 – PN under Class R for change of use of part of existing building to use Class E (g)(iii) for industrial processes – refused 31 August 2023: ◦ The existing access arrangements are not considered to adequately 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 policy DM13 of the Eastleigh Local Plan (2016-2036) and National Planning Policy Framework. ◦ Insufficient information has been provided to demonstrate that the conversion of the building would not result in unacceptable noise impacts contrary to Policy DM8 of the Eastleigh Local Plan (2016-2036) and National Planning Policy Framework. • PD/23/95961 – Use of existing agricultural building to E(g)(iii) use under permitted development - planning application not required, 11 September 2023 • F/23/94713 – construction of 6 dwellings, including landscaping, parking and associated works following demolition and site preparation – refused 18/07/2023 • PN/22/92315 – Prior notification under Class Q for change of use from agricultural buildings to 5 dwellinghouses and for building operations reasonably necessary for the conversion – approval granted 25 March 2022 • PN/22/92314 – Prior notification under Class R for change of use of part of agricultural building to office use (Class E(g)(1)) - approval granted 23/03/2022 • LDC/23/95215 – lawful development certificate for existing use of outbuilding being used for domestic purposes – LDC issued 6 November 2023 • LDC/22/93901 – lawful development certificate for conversion of agricultural building to living accommodation – refused 18 October 2022 • F/22/93315 – construction of 9 dwellings, landscaping, parking and associated works – withdrawn 28 October 2022 • PN/21/92091 – Prior approval for change of use of agricultural building to a flexible use within storage or commercial/business/services (Class E) – withdrawn 7 January 2022		

- Z/30431/000/00 – Erection of poultry house and silo – permitted 26 August 1988

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	Eight representations received, raising the following objections: a) Highway safety risks from an increase in heavy traffic on a weight restricted road; b) Increased risk of vehicle accidents; c) Increased use of Knowle Lane as a rat run; d) Knowle Lane is too narrow and poorly surfaced; e) Previous residential permissions on the site should not have been given; f) Development of the site contravenes policy aimed at protecting the strategic gap between Horton Heath and Fair Oak; g) The site is outside the urban edge and in the settlement gap where development is contrary to policy; h) Erosion of green space; i) Urbanising impact on the countryside; j) The development would diminish the settlement gap; k) Views of the site would be dominated by cars; l) The site has not been used agriculturally for over 15, therefore noise impacts will be more significant; m) Negative impact on wildlife and loss of biodiversity value of the site; n) Adverse noise impacts on the local area from increased vehicle movements; o) Detrimental to the character of the lane; p) Lack of information with application to assess highway safety impacts; q) No swept path tracking information provided to show how vehicles would manoeuvre; r) Increased safety risk for pedestrians and cyclists; s) Previous reasons for refusal have not been addressed; t) Lack of communication/ consultation from the applicants with the local community; u) The site may be better cleared and rewilded.		
Parish Council:	Unsuitable location for light industrial. EBC's Local Plan has provision for this in Eastleigh. Small parcels of industrial use leads to issues of transport, noise, and it simply does not mix with the residential and rural nature of the lane. Request referral to Local Area Committee. Officer note – Whilst the application was called to committee (also by Local Ward Councillors), the decision on this Prior Approval application has to be made within the timeframe set out in the Town and County Planning (General Permitted Development) Order (by 28th December 2023). Councillors have been kept up to date regarding the assessment of the application and the recommendation.		
Environmental Health Officer – Noise	Further comments following clarification of access door and servicing location: On the basis of the clarifications provided, i.e. that access to the building, and loading/operations will occur at the southern end of the building, with the loading door being in the southern façade and operational times will be as described previously, there is no objection. Original comments:		

	There is no plan showing the layout of the proposed use, e.g. location of access doors, loading/unloading areas. This makes it problematic to put the comments of the noise report into context. The submitted noise report contains the results of a noise survey and considers the impact of noise on the permitted residential uses forming part of the same building. It assumes: - Operational hours (including deliveries) of 07:00 to 17:00 Monday to Friday and 07:00 to 13:00 Saturdays; - A single HGV visiting the site every hour; - Access doors located in the gable end of the building; - No noise rating penalty applies On the basis of the above, the report concludes that the noise impact would be negligible. However, without further information, it is not possible to establish if the choice of survey location and assessment assumptions are appropriate. Need to know where the access doors and loading areas will be and if a fork lift or similar will be used. Also would have expected the assessment to have some noise character or feature correction given the nature of vehicle loading and unloading operations. Would also like to confirm if the use is located on the same foundation slab or shares building fabric with the residential use. If they share foundations and walls, then the noise assessment should consider structure borne noise/vibration.
Environmental Health Officer – Contaminated Land	No objection, but request an addendum to the previously submitted report on the residential use, to make recommendations specific to the proposed industrial use.
Highway Authority	No objection. The existing vehicle access to the site is proposed to be used with no amendments made. The updated Transport Technical Note provides the relevant tracking plans to confirm that this access is acceptable in terms of visibility and width to accommodate two-way car movements. Whilst it would be anticipated the site will also need to accommodate larger vehicles (i.e. delivery vehicles), the Technical Note outlines anticipated trip rates of such vehicles. This suggests a maximum of 4 outbound trips on an average day, which is not significant. On this basis it is reasonable to suggest that the likelihood of conflict movements (i.e. 2 larger vehicles need to pass each other at the access) are low and as such do not reasonably require a widened access to accommodate this. It is noted that no space is shown on the parking area layout for the turning of delivery vehicles. However, this can be overcome by a reverse movement across the existing building frontage. Although it is noted that this situation could change in the future if further development on the site was to come forward. Pedestrian links cannot be insisted upon as part of this Prior Approval application.

Site Visit:

Yes ☒

No ☐

Policy:

**National Planning Policy Framework
Planning Practice Guidance**

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are S5 (Countryside), S6 (Settlement Gap), DM1 (General Development Criteria), DM8 (Pollution), DM13 (Transport) and DM14 (Parking).

Assessment:

Site location and characteristics

The application relates to a former poultry building located on the west side of Knowle Lane towards the southern end of the road. The building is oblong in form and single storey in height, and this application relates to 350sqm of floorspace on its southern side. There are three existing access points into the site from Knowle Lane, with the main one being roughly opposite the central section of the poultry building.

The site lies within the countryside and settlement gap and there is a mix of residential, commercial and agricultural uses in the surrounding area.

Planning history

The site has a fairly extensive planning history, with previous Prior Approval applications allowing various uses in different parts of the building. The northern part of the building received Prior Approval for residential use as 5 dwellings (approval ref. PN/22/92315), and the southern part received Prior Approval for offices (approval ref. PN/22/92314). It has also been established that part of the southern section of the building could be used as light industrial purposes without the need for Prior Approval (enquiry ref. PD/23/95961).

This application follows a previously refused application for a change of use of 500sqm of floorspace on the southern part of the building to light industrial use instead of office use 0065 (ref. PN/23/95763). The reasons for refusal related to inadequate access and lack of noise information. The current application seeks to address these two matters.

General Permitted Development Order (GPDO)

This application seeks Prior Approval for the change of use of an agricultural building to a commercial use (Class E(g)(iii)). The floor area of the part to be converted is 350sqm.

Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the proposed change of use subject to certain criteria and subject to the applicant first submitting to the Local Planning Authority an application for Prior Approval.

Class R states (Officer commentary in blue):

R.1: Development is not permitted by Class R if –

(a) the building was not used solely for an agricultural use as part of an established agricultural unit –

(i) on 3rd July 2012

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins.

The application relates to part of a building previously used to house poultry, which is a form of agricultural use. This was the use of the site prior to 3rd July 2012, and continued until around 2018. The site has since been vacant and there have been no intervening uses.

(b) The cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500sqm;

It has been confirmed that 150sqm of floorspace within the building could be converted under Class R of the GPDO without the need for prior approval (enquiry ref. PD/23/95961). This application seeks permission for a further 350sqm of floorspace to be converted, bringing the total amount of floorspace to be converted under Class R to 500sqm.

(c) The site is or forms part of a military explosives area;

The site does not form part of a military explosives area.

(d) The site is or forms part of a safety hazard area; or

The site does not form part of a safety hazard area.

(e) The building is a listed building or a scheduled ancient monument.

The building is not listed or a scheduled ancient monument.

Prior Approval procedure

Section R.3 states that before changing the use under Class R, where the cumulative floorspace changing use exceeds 150sqm, prior approval is required in relation to the following matters:

- i) Transport and highway impacts of the development;
- ii) Noise impacts of the development;
- iii) Contamination risks on site;
- iv) Flooding risks on site.

Each of these matters is addressed in the relevant headings below.

Transport and highway impacts

The proposal is for the industrial use to be accessed via the existing central access point to the site. The site plan indicates a parking area in front of the southern part of the building, with space for up to 8 vehicles, and the applicants have confirmed that loading would take place on the southern side of the building.

Access and tracking drawings have been provided to confirm that the central access point is acceptable in terms of width, alignment and visibility and the Highway Officer is satisfied that no alterations to the access are required.

The application is also accompanied by a Transport Technical Note, which confirms that the proposed use would generate around 35 vehicle movements per day, only 6 of which would be goods vehicles (3 in, 3 out). The Highway Officer has confirmed that this is not significant and has raised no concerns about trip generation and impacts on the local highway network.

In terms of parking, the 8 spaces indicated would be considered sufficient for the size of the unit, in accordance with the Council's emerging Parking Standards (1 space per 45sqm). There would also be adequate space for the turning of cars on site. Whilst no dedicated space for turning of larger vehicles is shown, there is space on the wider site for these vehicles to manoeuvre to leave in a forward gear.

The first reason for refusal of the previous scheme stated:

The existing access arrangements are not considered to adequately 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 policy DM13 of the Eastleigh Local Plan (2016-2036) and National Planning Policy Framework.

The Highway Officer comments and the Officer report for this previous application confirm that the issue of concern at the time of the previous application was the potential conflicts between larger vehicles and cars trying to access the site at the same time. At the time of the previous application, there had not been any specific information about the likely level of larger vehicles entering the site, but that has now been provided and confirmed to be low (3 vehicles, 6 movements per day). On the basis of the now submitted information, the Highway Officer has removed the objection relating to conflicts at the access, therefore this previous reason for refusal has been overcome.

There were also some previous concerns raised about lack of safe pedestrian access to the site, as the existing footway network along Knowle Lane does not extend up to the site itself. The nearest footway is a public footpath that runs alongside the northern boundary of the site and leads onto Botley Road. However, the proposal is small in scale and it must be noted that the principle of the type of use proposed is accepted by the GPDO. As there is no specific requirement as part of the Prior Approval application to consider pedestrian accessibility, it would not be reasonable or justified to request improvements to the footway provision.

Noise impacts

The second reason for refusal of the previous application related to a lack of information to assess noise impacts:

Insufficient information has been provided to demonstrate that the conversion of the building would not result in unacceptable noise impacts contrary to Policy DM8 of the Eastleigh Local Plan (2016-2036) and National Planning Policy Framework.

The current application is accompanied by a Noise Impact Assessment. This provides further information about the proposed use and considers the potential noise impacts on nearby residential uses. The operating hours for the industrial use are confirmed as 07:00 to 17:00 Monday to Friday and 07:00 to 13:00 on Saturdays, and it is indicated that servicing for the unit would take place from the southern side of the building. The Noise Assessment concludes that noise from the industrial use would be substantially lower than background noise levels and would therefore not result in an adverse noise impact.

The Council's Environmental Health Officer originally raised some queries about servicing proposals and potential impacts on future residents of the same site (i.e. occupiers of the proposed residential conversion on the northern side of the building). The applicant confirmed that servicing would take place from the southern side of the building and confirmed that the residential proposals on the north side of the site would (if implemented) involve the demolition of the central part of the building, thereby creating physical separation between the industrial and residential uses. On the basis of this further information, the Environmental Health Officer has raised no objection. The second reason for refusal has therefore been addressed.

Contamination risks

The site was previously used to house poultry and therefore has the potential for contamination to exist. A Contaminated Land Desk Study for the site was carried out in 2021, which made recommendations for further site investigations and an asbestos survey. The Council's Environmental Health Officer has raised no objections on

contamination grounds subject to an updated report being prepared and mitigation agreed specific to the proposed use. This can be secured by condition.

Flooding risks

The site is in Flood Zone 1 and is therefore at low risk of flooding. There are no flood risk concerns relating to the proposal.

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, 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. The proposed development would bring a vacant building back into a modern use, which would likely involve making the building more energy efficient.

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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Conditions

1. The development hereby approved shall be implemented in accordance with the following plans numbered: 001 (Site Location Plan).

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby approved shall not commence until the following has been submitted to, and approved in writing by the Local Planning Authority:
- a) An Addendum Desk Study and Preliminary Risk Assessment Report (based on the report prepared by Lake Environmental dated July 2021, ref. V1;
 - b) A site investigation report, documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study;
 - c) A detailed site specific scheme for remedial works, and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed, and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Investigations, assessments and reports are to be undertaken by a competent person and should comply with UK Land contamination risk management (LCRM) national guidance, including BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of Practice, and gas monitoring deemed appropriate is to be in accordance with best practice as outlined in such documents as BS8576:2013, BS 8485:2015+A1:2019, Claire RB17 and CIRIA C665 unless otherwise agreed with the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

3. The development hereby approved shall not be occupied / brought into use until there has been submitted to the LPA verification by the competent person approved under the provisions of condition 2(c) that any remediation scheme required and approved under the provisions of condition 2(c) has been implemented fully in accordance with the approved details (unless varied with the written permission of the LPA in advance of implementation). Unless agreed in writing with the LPA such verification shall accord with UK Land contamination risk management (LCRM) national guidance, and the guidance contained in EA Guidance for the Safe Development of Housing on Land Affected by Contamination - R&D Publication 66: 2008. Typically such a report would comprise:
- a. A description of the site and its background, and summary of relevant site information,
 - b. a description of the remediation objectives and remedial works carried out
 - c. verification data, including - data (sample locations/analytical results, as built drawings of the implemented scheme, photographs of the remediation works in progress, etc.
 - d. Certificates demonstrating that imported and / or material left in situ is free from contamination, and gas / vapour membranes have been installed correctly. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 2(c)"

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

4. The development hereby approved shall only operate between the hours of 07:00 to 17:00 Monday to Friday and 07:00 to 13:00 on Saturdays.

Reason: To minimise noise impacts in the interest of amenity.

5. Prior to first use of the development hereby approved, details of refuse storage and collection shall be submitted to and approved in writing by the Local Planning Authority. Refuse storage facilities shall thereafter be provided and retained in accordance with the approved details.

Reason: In the interest of amenity and highway safety.

6. Loading and servicing for the use hereby approved shall take place from the southern side of the building only, unless details of alternative arrangements are first submitted to and agreed in writing by the Local Planning Authority.

Reason: To minimise noise, in the interest of amenity.

7. Prior to first use of the development hereby approved, details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage alternative means of transport in the interest of sustainable development.

8. Prior to first use of the development hereby approved, a minimum of 8 parking spaces shall be made available on site and thereafter retained for vehicle parking only.

Reason: To ensure sufficient parking on site, in the interest of highway safety.

9. Notwithstanding the provisions of Schedule 2, Part A of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the building shall only be occupied by uses falling within Class E(g)(iii).

Reason: In the interest of local amenity and highway safety.

Note to applicant: The use hereby permitted must commence in accordance with the time frames set out in The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class R.

Note to applicant: The applicant is advised to ensure that the visibility splays at the access as shown on Plan ref. NJC-001 as set out in the Transport Technical Note dated November 2023 are maintained.