

DELEGATED OFFICER REPORT

Application Ref: F/24/97385

Site Address: Abbey Hall, Abbey Hill, Netley Abbey, Southampton, SO31 5FA

Case Officer: David Huckfield

Description: Stationing of horse box trailer for provision of refreshments to general public on a seasonable basis

Relevant Site Constraints?	Yes ☒	No ☐
Within Designated Countryside		
Within Netley Abbey Conservation Area		
Within Designated Area of Open Space / Recreation Ground		

Planning History?	Yes ☐	No ☒
None of relevance to this application		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
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Representations:

A single representation was received in relation to the application, with the following comments being made:

The above application is wrongly advertised this is not a new planning application but one which is for something that is already in place and working. So a retrospective application. Whilst I am not against the addition of some form of refreshment area why is it necessary here. A large concrete base has been erected/laid down already.

Response to representation:

The comments received are noted and it is evident from the submission and the Case Officer's site visit that the use has already commenced. The application is however for a continued use which would occur on a seasonal basis and, as such, has not therefore been described as retrospective in the description in this particular instance. For clarity, the commencement of the development/use prior to the obtaining of the requisite planning permission does not materially influence the assessment of the proposals or the recommendation reached.

Hound Parish Council	<i>Members discussed this application at last night's PC meeting and noted the application</i>
HCC Highways	<i>Thank you for consulting the Highway Authority on the above planning application. The proposed development involves an applicant who applied for a street trading license to station a converted horse box trailer for the sale of hot and cold beverages, tray-bake cakes, buns, ice creams and sandwiches to the public. The licence is for trading on Thursdays, Fridays, Saturdays, Sundays and Mondays between 10am and 10pm between 10th April and 10th October. The proposal is not expected to result in a significant increase in traffic movements, nor is there any proposed changes to the site access. The Highway Authority therefore recommends no objection to the proposed development.</i>
Conservation Officer	<u>Context</u> <i>The site is just east of the Abbey Hall building on the landward side in the western corner and overlooking, the Netley Abbey Recreation Field also known as Castle Field, which is in front of</i>

	<i>Ellis Row on Victoria Road, a colourful terraced row of cottages dating from c.1860.</i> <i>The whole of this part of Netley Abbey is in the conservation area which in addition to some listed buildings relatively nearby also contains some Ancient Monuments. The closest listed buildings are the Castle to the north-west with its east lodge approximately north of this site and the Church of Edward the Confessor to the NN-E.</i> <i>The closest part of the Castle, some 175 metres past the Abbey Hall is an Ancient Monument, together with the aquaduct in front of the church and the remains of the Cisterrian Abbey founded in 1238 just NN-W of the church.</i> <u><i>The Proposal</i></u> <i>The siting of a small horse box trailer close to the Abbey Hall will be largely hidden from Victoria Road by the natural topography of the field and probably only the rounded roof will be visible from the road, which being grey in colour, not outstanding. The seasonal nature of both its function and presence will further reduce the impact.</i> <i>All the heritage assets are far enough away and shielded by more modern buildings, trees and hedges to not have their settings affected by this proposal, which will bring a useful resource to the recreation field and the close-by children's play area.</i> <u><i>Conclusion</i></u> <i>This proposal will not affect the setting of any heritage assets in the vicinity yet bring a useful facility to the locale for the benefit of users and possibly increase the usage and thereby increase visitors to the ruined Abbey aiding understanding of its place in history and even interest in other heritage sites, which would be a benefit. No objection.</i>
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Site Visit:	Yes ☒	No ☐
A site visit was undertaken by the Case Officer to review the proposals in context.		

Policy:
Legislative Background: Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a local planning authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2)3, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." The Development Plan:

The Development Plan is comprised of the Policies of the adopted Eastleigh Borough Local Plan 2016-2036. The relevant policies to this application are: S1 (Delivering Sustainable Development), S5 (New development in the countryside), S7 (The coast), S8 (Historic environment), DM1 (General Criteria for New Development), DM11 (Nature Conservation), DM12 (Heritage assets), DM13 (General Development Criteria – Transport), DM14 (Parking), DM32 (Protection of recreation and open space facilities).

Other material considerations:

National Planning Policy/Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2023 and, as set out within paragraph 224, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

The proposals are considered to be acceptable for the following reasons:

- The site lies within designated countryside and an area of open space (The Cricket Field Recreation Ground) where policies S5 and DM32 apply to development proposals. Policy S5 seeks to prevent inappropriate development within the countryside in order to maintain its rural character and limit urbanisation, whilst facilitating and controlling development for which a countryside location is genuinely and justifiably required. Policy DM32 seeks to protect against the loss of allocated recreation and open space facilities other than in exceptional circumstances, although allows for development that is ancillary to the recreational use provided that it does not adversely affect land forming part of, or capable of forming part of, a playing pitch/court/green.

The development is, in itself, not directly for a countryside or recreational use and therefore is in the strictest terms contrary to the above referenced policies. It can however be argued that it would, to some degree, provide a service which is complementary to the use of the recreation ground in that it would serve refreshments to its users. This would be particularly the case during the peak season which has been applied for and when increased levels of usage of the recreation ground would be expected. To this end, the proposals would have both a modest economic as well as a tourism benefit for the locality.

In addition to this, the siting of the trailer at the edge of the green space adjacent to the car parking area and its particularly modest size and scale which is proportionate to its intended purpose, result in it having relatively minimal impact upon the overall recreation space available or its functionality. It would also not affect any existing playing pitches, courts or equivalent spaces.

The scale and siting of the trailer also serve to limit the visual impacts of the development on its surroundings and no objection has been raised by the Council's Conservation Officer in terms of its effects on the Netley Abbey Conservation Area or other nearby heritage assets. The impacts of the development are further limited by the seasonal nature of the use applied for, which would occur between 10 April and 10 October each year, with the only permanent element of the proposals being the small area of hardstanding which has been laid to accommodate the trailer.

Taking account of these considerations, as well as the nature of the refreshments being sold which are limited to predominantly teas and coffees, sandwiches and cakes and would not thereby incorporate hot food takeaway elements, in this particular case it is considered that the proposals are acceptable and there are

sufficient material considerations which outweigh the conflict with the development plan, such as to justify the granting of consent on the seasonal basis applied for.

- There are no significant highway safety concerns and no objection has been raised to the application by the Highway Authority. The positioning of the trailer and the hardstanding upon which it is sited will not impede access to or the use of the adjacent car park, with sufficient space available for customers to order and wait for their refreshments without compromising their safety or conflicting with vehicular or pedestrian movements. The proposals are also not expected to notably increase traffic movements in the locality and as such will not have a significant impact on the highway network.
- The development is sited a reasonable distance from the nearest dwellings and, when taking account of the scale of the trailer and its intended use, it is not considered that the proposals would unduly impact upon residential amenity. A condition will, however, be imposed to control the times of day when the trailer can operate to align with the street trading licence issued to the applicant and to limit any potential disturbance during unsociable hours, with a further condition imposed to restrict the range of refreshments that can be sold including prohibiting the sale of any hot food takeaway elements which have the potential to generate smells and odours etc.
- Due to the nature of the development proposed and its limited scale, there are considered to be no likely significant impacts on either local or European designated sites for nature conservation. The development would also, for these reasons, be subject to the de minimis exemption for Biodiversity Net Gain.

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.

Recommendation:

PERMIT ☒

REFUSE ☐