

DELEGATED OFFICER REPORT

Application Ref: F/23/95872

Site Address: Land at South Side of, Heath House Lane, Hedge End

Case Officer: Rachael Morris

Description: Change of use of land to Agricultural with associated works including, engineering works to land to raise ground levels to allow erection of 2.no poly-tunnels and 1.no outbuilding.

Particular Site Constraints?	Yes ☒	No ☐
• Countryside • Great Crested Newt IRZ • Tree Preservation Order(s)		

Planning History?	Yes ☒	No ☐
• Z/15252/002/00 - Section 53 determination: Regrading of Agricultural Land Using Imported Material – Permit – Nov 1985 • Z/15252/003/00 - Formation of Vehicular Access – Permit – Nov 1987 • Z/15252/004/00 - Notification of Intent to Construct Track for Agricultural Access – Raise No Objection To – Nov 1993		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	Rosatil Cottage, Pylands Lane. Support. Ideal use for this land. It will prevent any future developer trying to build yet more houses in the area. It is also good for the local economy and an ideal place to grow flowers and help our pollinators. It will also help reduce the carbon footprint by growing flowers on site and selling locally. I therefore think this proposal should be accepted and agricultural land is becoming increasingly rare and needs to be supported.		
Parish Council:	No Objection		
Ecology:	<u>June 2024 – update:</u> I have reviewed the amended documents sent on 13/6/24 (CEMP, EcIA, BMEP, site section AA rev B, and site layout plan rev D). The position and composition of the bund is now acceptable, photographic monitoring one year after completion has been included in the BMEP, and two oak trees are proposed to be planted in the gap along the northern boundary. I have discussed this with the tree officer, and he said that two trees in this location would be acceptable. <u>June 2024</u> I have reviewed the updated CEMP, BMEP and EcIA by Abbas Ecology (June 2024), Proposed Site Layout Plan, Site Section and proposed poly tunnels and outbuilding plans. The lighting system as described in section 6.5 of the EcIA is appropriate and shall be implemented. It is not clear whether any lighting will be required at night. The precautionary working methods for reptiles, dormice, badgers, nesting birds and hedgehogs are appropriate and shall be implemented. The reptile mitigation strategy under an ecological watching brief as described in section 6.7 of the EcIA is appropriate and must be implemented. If dormice are discovered, then the works will stop immediately, and Natural England will be contacted for further advice, and this may result in a European Protected Species licence application being obtained. The root balls of the cut scrub must be removed by		

	November of the same year. If the scrub removal happens during the bird breeding season an ecologist must be present. The bird boxes and bat boxes, log piles, planted scrub and two additional oak trees are appropriate enhancements and are shown on figure 4 in the BMEP. Photos of the biodiversity enhancements and silt bund in place must be submitted to the LPA in a monitoring report 1 year after completion. <u>September 2023</u> This site is on the boundary between an amber and green great crested newt impact risk zone. There are records of slow worms, bats, hedgehogs and badgers nearby. Pilands Copse SINC is located along the southern boundary of this site. This is designated 1A ancient and semi natural woodlands. A 50 m buffer free from all development is required for ancient woodland boundaries. The site measures roughly 74 m from Heath House Lane to the SINC boundary, so if the application were to be approved, development must only be allowed within the 24 m between the road and the northern edge of this 50 m buffer. The proposed site layout plan shows only an 18 m buffer from protected trees which is not acceptable. Ancient woodland is much more than protected trees, it is an irreplaceable priority habitat. The stream that runs along the southern boundary is a tributary of the River Hamble SPA, SAC. It also runs through the Upper Hamble Estuary and Woods SSSI (Vantage Copse, Bottom Copse and Hoe Moor Copse) before it enters the River Hamble. There is high potential for nutrient enrichment and chemical pollution from pesticides and herbicides from agricultural use to enter the protected waters of the River Hamble via surface water runoff. Engineering works to the land before submission of this application may cause/may have already caused sediment to enter the watercourse. Compensation for the habitat that has been lost and biodiversity enhancement would also be required. I raise an objection due to the lack of a suitable ancient woodland buffer zone, potential for nutrient and sediment pollution to the watercourse, potential impact on the River Hamble SPA and SAC and lack of biodiversity information, lack of mitigation and lack of biodiversity enhancement.
Tree Officer:	<u>June 2024 - Update:</u> Please condition the arboricultural report. <u>September 2023:</u> Given the nature of the site and the proposed alterations, especially to the levels, we are going to require some arboricultural information, as per British Standard 5837 and our own Trees and Development SPD. At this stage, it has not been demonstrated that there will be no significant arboricultural impact.
Contaminated Land:	• A review of the historic maps and aerial imagery for this site and it has not been developed (however, in 1970 seemed like vegetation was stripped out and grown gradually again to cover the whole site as today). • The site is located on a slope and bounds with residential area to the north, and a superficial water feature to the south boundary (Hoe Moor Creek flowing towards River Hamble). • The proposed development will involve a large proportion of vegetation clearance and earthworks, and presumably the importation of soils. On this matter, have we been given any details in terms of soil quantities to be imported or removed? • If soils are to be imported, evidence of their suitability to use for the fit purpose should be provided (laboratory testing

	certificates, transfer notes, etc). Similarly for soils that are to be re-use on-site. I suggest that standard conditions for contaminated land should be imposed to this application, firstly to ensure that the existing site conditions have been assessed, and secondly to ensure that any imported material meets with our approval prior use on site.
Hampshire Highways:	No objection in principle to the proposals from a highway perspective, subject to conditions being applied should the proposals be permitted. ACCESS: As previously outlined, access into the site continues to be proposed via the existing field gate access from Heath House Lane. This is acceptable, with an existing drop kerb, adequate visibility splays which are achievable subject to the condition below, and the widening of the gated access to 5.0m which will enable two-way movements in and out of the site. Onwards, the gate has been set back 8.0m from the highway edge (drawing KA/2023/J29 A103 Rev E), which will enable any vehicle waiting to access the site whilst gates are closed, to do so off of the highway given it has been confirmed that the maximum length of vehicle entering site will be 7.0m in length. TRIP RATES: As outlined within the submitted Design & Access Statement, 'the applicant has stated that the business has no visiting customers and so trip rates are low and will relate to workers only. The business operates seasonally (around 6 months of the year), with the bulk of work between March and June and then again between September and October. As such, the only trips in and out of the site will be the workers only arriving on site, and then travelling back and forth to distribute the flowers to customers. Given the low number of staff involved - 3 staff anticipated (1 FT / 2 P/T), overall movements are anticipated to be minimal in terms of an increase to the background vehicle movements on Heath House Lane. As such, trip generation would be acceptable. CONSTRUCTION: It has now been confirmed by the applicants (email to Case Officer dated 01/07/2024), 'no additional soil is now required on site to make the level changes', and additionally vehicle tracking drawing has been supplied demonstrating how a 7.0m vehicle can access the site and turn, enabling forward gear access and egress. As such, the submitted CEMP is acceptable from a highway perspective, given remaining works (i.e. erection of polytunnels and the outbuilding) are unlikely to be significant and can be reached via the new access and permeable gravel driveway and parking area.
Natural England:	No Objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Site Visit:	Yes ☒	No ☐
Details: 08/09/2023		

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, DM13, DM14 and DM17.

Supplementary Planning Documents:

Quality Places; Residential Parking Standards; Character Area Appraisals.

Assessment:

The development is considered acceptable and complies with policies DM1, DM2, DM6, DM8, DM11, DM13, DM14 and DM17 from the 2016-2036 local plan, in that:

Principle

- Policy S5 states that planning permission will be granted for new development in the countryside provided it is related to the provision of employment through agricultural development.
- Policy DM17 states that new buildings for agricultural purposes and farm diversification will be permitted in the countryside, to enable the efficient working and long-term commercial viability of the agricultural enterprise, provided that the proposed use cannot be accommodated in existing buildings. All such proposals must: ensure that new buildings are proportionate to the scale and nature of the use and located and designed so as not to be visually intrusive or have an unacceptable impact on the local road network; and include measures for the long-term management of the agricultural unit, including enhancement of the landscape and biodiversity.
- Paragraph 88 in the National Planning Policy Framework (NPPF) states “Planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses”.
- Paragraph 186 in the NPPF states “When determining planning applications, local planning authorities should apply the following principles: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists”.

Design, layout, and impact on the countryside

- Within the countryside, agricultural buildings are permitted under policy DM17 provided it is in scale to the site and not visually intrusive to the locality.
- One of the key themes and goals set out in the NPPF is to enable local planning authorities to support a prosperous rural economy. This specifically relates to agricultural and land-based rural businesses in paragraph 88. This proposal relates to the development of a rural business including poly-tunnels and flower growing.
- It is considered that the use of land is appropriate within its countryside location and supports the rural community.
- The scheme has been amended to remove 1.no outbuilding and reduce the polytunnels in size. This has enabled the structures to be proportionate to the scale and nature of the proposed use. In addition, the proposed polytunnel and outbuilding are located set back from the road and so will not be visually intrusive from the road. As such, the structures are proposed for agricultural purposes and are considered to be in accordance with policy DM17.

Ecology

- The scheme has been revised to include a 35m buffer from the ancient woodland. This is an agreed distance from the council’s ecologist as long as the buffer was free from infrastructure and included biodiversity enhancements. The biodiversity enhancement includes planted areas with grass/meadow seed mix and no proposed level changes within the 25m buffer to leave this sensitive area undisturbed.

- The scheme has also been amended to include a row hay-bales, wrapped in terram, to prevent potential run-off entering the tributary which is to be located approx. 20m from the ancient woodland. This would allow for drainage but also trap sediments and should be in place at least until the soils have stabilised. This will be secured through the CEMP condition.

Highways

- The proposed gate has been amended through the application process and set further back from the highway at 8m which is more than originally submitted (6m). This was at the request from Hampshire Highways and ensures that the set back is suitable for long wheelbase vans to safely wait off-highway while the gates open.
- The site is only to be utilised for the growing and wholesale / trade distribution of flowers to florists, etc. and will not become open to the general public with an associated shop and till element, as this would greatly change trip rates to and from the site as well as elements such as parking requirements. This will be conditioned.
- The site benefits from an existing access, existing drop kerb, and adequate visibility splays. The site is not expected to accommodate a large amount of vehicle movements and as such accords with policy DM17 which requires development to not have an unacceptable impact on the local road network.

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.

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 ☐

Comments ...