

DELEGATED OFFICER REPORT:**Application Ref:** F/24/97451**Site Address:** UTILITA BOWL, MARSHALL DRIVE, WEST END, SOUTHAMPTON, SO30 3XH**Case Officer:** Clare Martin**Description:** Temporary change of use for 12 month period for the storage and cleaning of up to 9 buses used in event day services with associated welfare cabin, portable toilet and heras fencing (retrospective application).

Particular Site Constraints?	Yes ☒	No ☐
• Within the urban edge • Within the Ageas Bowl and Tennis Centre Policy Area (WE4)		

Planning History?	Yes ☒	No ☐
The site has a long planning history, but none of the application directly relate to the current proposal.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Ecology Officer (summarised)	<u>Further information required</u> (preliminary ecological assessment and drainage strategy) <u>Protected Species</u> This site is in a red impact risk zone for great crested newts and there are records of common reptiles on the wider site. Red (highly suitable habitat) or Amber (suitable habitat, likely to be present) – When development falls into the red or amber zones on the impact risk map, developers MUST prove to their local planning authorities that their development plans pose ‘no risk’ to great crested newts. Although this is a temporary application, this use of the site may affect the habitats on or adjacent to the site (such as the nearby Telegraph Woods SINC). This should be determined by a suitably qualified ecologist and a preliminary ecological assessment provided for the development. Further clarification is required as to how long the hard standing has been in place and whether this is immune from planning control. If the buses, storage, welfare unit and portable toilet are on existing hard standing then there would not be an impact on GCN or reptiles. However, a PEA is necessary to determine whether there is potential habitat which would be disturbed, either on site or in the adjacent SINC otherwise affected by or removed by these activities. <u>Impact on Water Courses</u> The activities proposed could have an ecological impact on the watercourses, ponds and Telegraph Woods SINC which is very close to the site. Storage of dry equipment such as barriers and cones is quite different to washing and storing buses, a welfare unit and portable toilet.		

	Further information is required on surface water drainage, and how any water used on site will be filtered/cleaned before it leaves the site in accord with EBC local plan policy DM6. <u>Biodiversity Enhancements</u> While the proposal does not need to provide a 10% biodiversity net gain, some biodiversity enhancements will still be required in accord with Local Plan policy DM 11 and NPPF paragraph 180. Biodiversity enhancements are usually covered within a PEA.
Highways Officer (HCC)	<u>No objection</u> The area of the site proposed to be utilised for the uses listed above appears to have a historical storage use, and is not utilised for the parking of stadium users. As such the overall site parking quantum will not be affected. Additionally, whilst the area of site is some distance from the highway and so would not cause any highway safety issues, it is noted that adequate space for the turning of vehicles is given, and so the 'storage' area can be accessed and egressed in a forward gear which will be beneficial for on-site safety. Finally, given the number of vehicles outlined, any increase in trip rates will be minimal, if anything given that the stored vehicles would otherwise have to make journeys to and from the site.
Parish Council:	<u>No Objection</u> subject to the ecology report being satisfied

Site Visit:	Yes ☒	No ☐
Details: Carried out 4/9/24		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i>

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(delivering sustainable development) and S2(approach to development). • Development Management policies DM1 (new development), DM6(sustainable drainage), DM11(nature conservation) & DM13(transport). • Area Policy WE4 (Land at Ageas Bowl and Tennis Centre)

Supplementary Planning Documents:

- Quality Places

Site History and Proposal:

There is an existing area of hard surfacing located on a back of house piece of land to the south of the Utilita Bowl Stadium (the site being renamed since the local plan adoption). The hard surfacing was previously used to store items used at the site (such as such as barriers, cones & skips). While the storage use and hard standing appears to have been in place for some time, it does not benefit from planning permission or a certificate of lawfulness.

An enforcement case was opened in February 2024, as nine coaches were being parked and washed at the site. The Applicant anticipates that the coach company would be present on site throughout the 2024 season, while they look for alternative accommodation.

The current planning application is to allow the bus storage and washing use to continue for a temporary 12-month period, which would extend the use of the site until Autumn 2025. The proposal also includes the retention of a shipping container (used as an office/welfare unit for the storage use) a portaloo and heras fencing surrounding the enclosure.

Assessment:**Principle**

The site is within the urban edge where the principle of development is acceptable, subject to compliance with the relevant planning policies. In this case, the site is also within the Ageas Bowl and Tennis Centre policy area where, amongst other detailed requirements, new development is required to enhance the sporting facilities on the site (Policy WE4).

The stored coaches are run by an independent company and part of their use includes transporting fans for large scale sporting events both at the utilita bowl and outside of the venue (such as saints football matches). The coaches are used during utilita bowl match days to provide free shuttlebus service from Southampton Airport Parkway Station to the site, catering for around 35% of fans. The ability to encourage large numbers of people to travel by train and connecting free buses to the site enhances the primary sporting use of the venue as well as providing other benefits (in terms of sustainable travel, managing traffic / parking impacts on local residents, and maintaining a volume sporting venue).

Therefore, a case could be put forward for the permanent retention of the coach storage use providing that the development meets all the relevant policy requirements (including being of a high-quality design, providing an appropriate landscape setting, providing a sustainable drainage scheme and enhancing biodiversity).

The current proposal is to retain the existing coach storage and washing use for a temporary twelve-month period to allow the company to find alternative accommodation. While this is also a reasonable solution, no details about the site search have been forthcoming and so we cannot be reasonably confident that the current arrangement would cease at the end of the 12 month period and no permanent solution has been put forward.

Ecology & Biodiversity Net Gain

Policy DM11 states that development will not be permitted if it is likely to have a direct or indirect adverse effect on priority habitats, protected or priority species, or on the local ecological network unless it can be demonstrated that a) there are no alternative solutions, b) the adverse impact are unavoidable, c) measures are taken to mitigate or compensate for the adverse effects. d) there is an overall biodiversity net gain.

The application site is within 40m of Telegraph Woods SINC (Site of Importance for Nature Conservation) and is in a high impact zone for great crested newts. There are also records of common reptiles within the wider vicinity.

Although the proposal is operating from an existing area of hardstanding, the 12 months temporary use for storing and washing coaches is likely to be more intensive than the existing ad hoc storage use (in terms of the amount and type of activity). A preliminary ecological assessment is therefore necessary to determine whether the use would disturb existing habitat within the site and the adjacent SINC and to consider appropriate mitigation. The preliminary ecological assessment would also need to suggest biodiversity enhancements, which could then be secured via condition.

A preliminary ecological assessment has been requested, but not supplied by the Applicant. The Local Planning Authority is therefore unable to determine whether the use would comply with Policy DM11.

Drainage

Policy DM6 stipulates that new development must provide a sustainable drainage system (SuDs), containing at least one form of filtration for small sites (of less than 0.5 hectares).

While the site was previously used to store dry equipment, the washing of coaches during the temporary period would create significant grey water run off that could have an ecological impact on the watercourses, ponds and Telegraph Woods SINC. There is also the potential for oil and fuel contamination from the storage of vehicles. Surface water drainage information is therefore required to ensure run off is filtered/ cleaned before leaving the site and so does not impact upon important habitats.

Drainage information has been requested, but not supplied by the Applicant. The Local Planning Authority is therefore unable to determine the quality of surface water runoff and so is contrary to Policy DM6.

Character and Appearance

The bus storage use and associated structures has a scruffy appearance, and its northwestern aspect is readily visible from the internal access road. While the structures detract from the green and open nature of the wider Utilita Bowl site, the application is for a short temporary period and therefore is acceptable in this regard.

Parking and Access

The proposal will not affect the level of onsite parking provision, and the additional vehicular trips generated by the coach storage use are likely to be low compared to existing traffic flows to and from the site. Furthermore, the site is large enough to accommodate and manoeuvre coaches so that they can enter and exit the highway network in a forward gear. As such the proposal is not considered to have a significant impact upon the highway network and no objection has been raised by the Transport Officer.

Conclusion - Planning Balance

While it is recognised that the temporary coach storage & washing use offers benefits to the sporting venue (through the provision of sustainable transport options on match days) it also has a number of short-term impacts. Of these the impact on the highway network is relatively modest and the impact on the appearance of the site although negative is notably for a relatively short duration.

However, the most serious impact would be upon the natural environment (both in terms of disturbance to habitats and the surface water run off/ pollution) over the twelve month

temporary duration. As such the Local Planning Authority is not in a position to support the temporary coach storage & washing at the site, without further information/ mitigation to address these concerns.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) 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, development plan and 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 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 Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Adopted 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 reduce/limit impacts on climate emissions as a result of the development or its use.

Conclusion:

Recommendation:	PERMIT ☐	REFUSE ☒
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Comments ...
