

DELEGATED OFFICER REPORT

Application Ref: PN/24/98596

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 storage use - Class B8.

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/24/98597 – PN under Class Q for change of use to 8 dwellings – approved 14 February 2025 • PN/23/96355 – PN under Class R for conversion of part of existing building to light industrial use (Class E(g)(iii) – approved 22 December 2023 • 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 • 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 July 2023; Allowed at appeal 13 November 2024 • 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– refused 18 October 2022 • F/22/93315 – construction of 9 dwellings, landscaping, parking and associated works – withdrawn 28 October 2022 • PN/21/92091 – Prior approval for change of use of agricultural building to a flexible use within storage or commercial/business/services (Class E) – withdrawn 7 January 2022 • Z/30431/000/00 – Erection of poultry house and silo – permitted 26 August 1988		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:	One representation received, raising objection on the following grounds: - Concern about traffic impacts; - Increased risk to pedestrians from additional traffic due to lack of footpath along Knowle Lane; - Concern about the approach taken with the submission of multiple applications.		
Parish Council:	No objection.		
Environmental Health – Noise:	<u>Final comments on review of Noise Report</u> – No objection subject to conditions The noise assessment considers the cumulative noise levels arising from the operation of the proposal and consented commercial schemes. It also includes a BS4142 assessment of the on-site vehicles and unloading/loading activities on the site. Some queries raised about the assessment method but this would not alter the outcomes of the assessment. No objection is raised subject to the following conditions: operation hours to be restricted to 07:00 to 17:00 Monday to Friday and 07:00 to 13:00 Saturdays with no work on Sundays and bank holidays; any mechanical plant must be below background noise levels as per table 5.1 of the noise report. <u>Further comments following receipt of additional information regarding combined use:</u> On the basis that the proposed use could be operated in conjunction with industrial use in the southern part of the building, the increase in traffic would substantially increase noise levels (loading/unloading/plant movements), and would no longer be the same as an agricultural use. A noise survey is therefore recommended, demonstrating no impact on the nearest residential house. <u>Original comments:</u> The proposal is not anticipated to result in any greater impact than the former agricultural use. The B8 use is predicted to result in 1 vehicle movement in each of the AM and Pm peak periods with a total of 14 movements throughout the day. No structural changes are proposed to the building and no changes to the hours of operation. The residential dwelling opposite the site has a long drive and it is considered that the additional vehicles would have minimal impact in terms of noise.		
Environmental Health – Contaminated Land:	No objection in principle subject to conditions requiring further contaminated land investigations and mitigation. Conditions also required in relation to asbestos and a CEMP is required.		
Lead Local Flood Authority (HCC):	Due to the size of development, it falls outside of the LLFA's remit. Standard advice provided.		
Southern Water:	No objection.		
Highway Authority (HCC):	<u>Final comments following receipt of additional information</u> – No objection subject to conditions– previous TRO request withdrawn April 2025 following further information from applicant.		

	An appropriate visibility splay drawing has been provided and is acceptable. An access and egress plan has been provided which amends the arrangement to show entry via the central access and egress via the northern access. Tracking drawings have confirmed this arrangement is acceptable. The internal parking layout is also shown to be acceptable for up to a 7.5 tonne panel van. Conditions recommended to secure adequate visibility, to provide a Commercial Vehicle Access plan and a Construction Management Plan. <u>Further information required.</u> No objection in principle to the access but an access plan is required showing visibility splays of 2.4 x 43m, and tracking plans are required to confirm two way access and egress. Tracking plans also required for the internal parking layout, which appears tight. Parking is provided for 6 vehicles but no large vehicle parking. This should be clarified. No objection to the proposed trip generation in combination with other approved industrial uses in the building. £12,000 contribution towards a TRO requested to implement restrictions near the site entrance, to reduce the risk of obstructive parking on Knowle Lane. Subject to the above matters being addressed, conditions would be recommended for the following: - Closure of existing southern access; - Access construction with required visibility; - Commercial vehicle access plan; - Construction Management Plan.
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Site Visit:	Yes ☒	No ☐
Details: Site visits carried out for previous applications and appeal.		

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) DM14 (Parking), and DM19 (Change of use of buildings in the countryside).

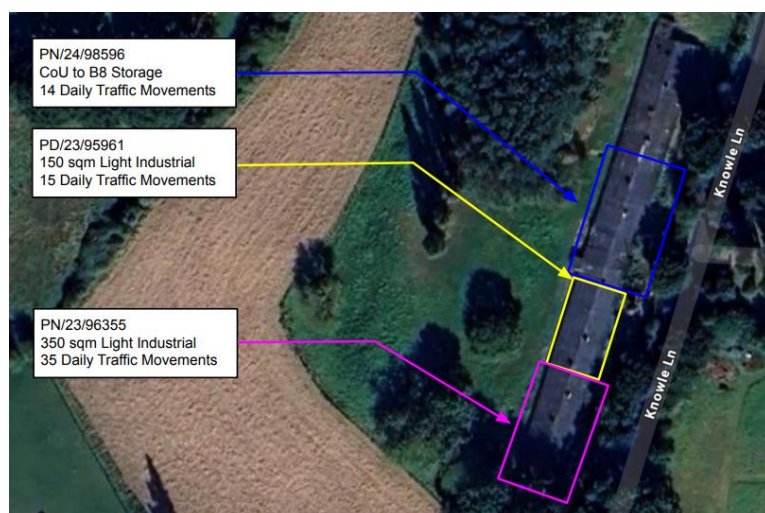
Assessment:
<u>Site location and characteristics</u> The application relates to a former poultry building located on the west side of Knowle Lane towards the southern end of the road. The building is oblong in form and single storey in height. This application relates to 500m² floorspace in the central part of the

building. 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 an extensive planning history from recent years, with previous Prior Approval applications allowing various uses in different parts of the building. The diagram below provided by the applicant shows the previous approvals that have been gained for industrial use, along with the current application outlined in blue:



In addition to the above, approval has also previously been given for a change of use of the northern part of the building to 5 dwellings (approval ref. PN/22/92315), and the southern part of the building to offices (approval ref. PN/22/92314). Planning permission has also been granted at appeal for demolition of the existing building and the construction of 6 dwellings (ref. F/23/94713), and the most recent prior approval application allowed the conversion of the building to 8 dwellings (ref. PN/24/98597). However, it would not be possible to implement the residential permissions alongside the current proposal as they relate to overlapping parts of the building.

If this prior approval is granted, then it could be implemented in conjunction with the other industrial uses shown in the diagram above, or the office use.

General Permitted Development Order (GPDO)

This application seeks Prior Approval for a change of use of the central part of the building (500m²) to B8 storage use.

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.

The following table sets out the criteria that is required to be met under Class R:

Criteria	Assessment
Permitted development:	
Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use: (a) Falling within:	The proposal is to change the use of part of the building to B8 storage use, and therefore complies with this criteria.

I. Class B2 (General industry) II. Class B8 (storage or distribution) III. Class C1 (hotels) IV. Class E (commercial, business or service) V. Class F.2(c) (outdoor sport or recreation, or	
(b) For the provision of agricultural training.	Not applicable.
Development not permitted:	
(a) The building was not used solely for an agricultural use as part of an established agricultural unit: I. On 3 rd 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 3 rd 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 3 rd July 2012, and continued until around 2018. The site has since been vacant and there have been no intervening uses.
(b) The cumulative floorspace of buildings which have changed use under Class R within an established agricultural unit exceeds 1,000sqm;	One previous approval has been given under Class R, for the conversion of 350m ² of floorspace on the southern side of the building to light industrial use. The proposal is for a further 500m ² to be converted under Class R, totalling 850m ² and therefore not exceeding 1,000m ² .
(c) The site is, or forms part of, a military explosives storage 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.

Section R.3 of the relevant section of the GPDO 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 B8 storage use to be accessed via an existing access point on the north side of the site, with vehicles exiting via the central access point. The submitted access and parking plan shows 6 parking spaces to be provided in front of the building for this B8 use.

The proposed use in isolation is anticipated to generate a total of 14 vehicle movements. In conjunction with two previous industrial uses permitted in the southern part of the building, the total traffic movements would be around 64 per day. It has been noted by the

applicant that other combined uses of the building previously approved (e.g. residential and office use, or residential and light industrial), would result in a larger traffic generation, and the Highways Officer has acknowledged this. No objection is raised in relation to the level of traffic generation, although some concern was raised about the potential for large vehicle parking on Knowle Lane and a contribution was initially requested towards a contribution towards a Traffic Regulation Order to restrict parking near the site entrance. However, the applicant has noted that the layout has been designed with sufficient parking to accommodate the predicted number of vehicles and has confirmed that they would be happy with a condition to restrict the size of vehicles accessing the site to 7.5 tonnes. On this basis, and considering that this application only relates to one section of the barn and not the whole site, it has been determined that a contribution towards a TRO would not be reasonable or necessary to make this application acceptable.

The access/egress proposals were updated during the application process to address comments made by the Highway Authority. The amended layout with access via the northern access point and exit via the central access point is considered acceptable and tracking plans have also been provided to demonstrate sufficient space for vehicle manoeuvres. An acceptable visibility plan has also been provided and the internal parking layout is confirmed as acceptable. Conditions are recommended to secure the access arrangement as proposed with the required visibility splays.

In terms of parking, 6 vehicle parking bays are proposed but none are shown for larger vehicles, e.g. LGVs. The applicant has confirmed that the largest vehicle would be a 7.5 tonne panel van (to be secured by condition), and the parking layout is confirmed as acceptable for this size of vehicle.

The Council does not currently have adopted parking standards for industrial uses, but there are draft emerging parking standards that can be used for guidance (Eastleigh Borough Council Parking Standards SPD Draft for Consultation, July 2023). These indicate that for B8 storage use, 1 space should be provided per 80m², with 1 loading bay. This would amount to 6 parking spaces plus 1 loading bay for the 500m² unit. The 6 spaces would therefore meet the parking space requirement and although no specific loading bay is shown, the Highway Authority has not specifically requested this.

The Highway Authority has also recommended conditions to secure a Construction Management Plan and a Vehicle Access Plan.

Noise impacts of the development

For the previous prior approval for light industrial use, a Noise Impact Assessment demonstrated that there would be no adverse noise impact to nearby residents.

The current proposal was initially not accompanied by a noise assessment, but this has subsequently been carried out. The assessment considers the cumulative noise impact of the proposal in conjunction with the other light industrial permissions on the site, in terms of the impact on the nearest residential properties. The Council's Environmental Health Officer has reviewed the assessment and confirmed no objection subject to conditions to restrict operating hours and to ensure that any plant and equipment would not exceed acceptable noise levels. The operating hours allowed for the previous light industrial use of 07:00-17:00 Monday to Friday and 07:00 to 13:00 on Saturdays would be considered appropriate.

Contamination risks

The site was previously used to house poultry and therefore has the potential for contamination to exist. The application is accompanied by a Desk Study Report dated July 2021, which identified several features likely to cause contamination within the site boundary. The report recommends intrusive investigation and an asbestos survey. No objection is raised on contamination grounds subject to conditions to secure an Asbestos Management Plan, additional Ground Investigation and Verification.

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.

Other matters

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; NJC-002 – Access and Parking; and NJC-001 – Access and Visibility Splays.

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

2. No site preparation or construction works shall commence until an Asbestos Management Plan has been submitted to and approved in writing by the Local Planning Authority, in order to ensure construction workers and adjacent sensitive receptors are adequately protected from the asbestos identified within existing structures' fabric. The development and construction works must accord with these approved details.

Reason: In the interests of amenity and protection of human health.

3. No work shall commence on site until the following has been submitted to, and approved in writing by the LPA:
 - a. A report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis in accordance with UK Land contamination risk management (LCRM) national guidance, and BS10175:2011+A2:2017, and BS 8576:2013 and as agreed with the LPA. This document should also include reference to the agreed Preliminary Investigation Report produced by Lake Environmental (July 2021).
 - b. 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.

Reason: To minimise the risk from land contamination for the safety of the future occupiers/ users of the development.

4. The development hereby permitted 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 3 (remediation) that any remediation scheme required and approved under the provisions of condition 3 (remediation) 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 comply with UK Land contamination risk management (LCRM) 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 work in progress, etc.
 - d. Certificates demonstrating that imported and/or material left in situ is free from contamination, confirmation of material removal, gas/vapour membranes have been installed correctly. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 3 (remediation).

Reason: To minimise the risk from land contamination for the safety of the future occupiers/ users of the development.

5. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority (LPA). Development shall not re-start on site until the following details have then been submitted to and approved in writing by the LPA:
 - a. a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all contaminant linkages and unless otherwise agreed in writing by

the LPA and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site. and (unless otherwise first agreed in writing by the LPA).

b. a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified contaminant linkages and before any part of the development is occupied or used (unless otherwise first agreed in writing by the LPA) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the LPA.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with best practice as outlined in BS10175:2011+A2:2017 and LCRM. Any 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. 3

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.

6. No development shall start on site until the access has been constructed with lines of sight of 2.4m x 43m provided in accordance with the approved plans. The lines of sight splay shown on the approved plans shall be kept free of any obstruction exceeding 1m in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

Reason: To provide satisfactory access in the interest of highway safety.

7. No development shall start on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This shall include:
 - a) a programme of the construction work;
 - b) the location of temporary site buildings, compounds, construction material and plant storage areas used during construction;
 - c) details of routes for construction traffic arriving at and departing from the site, including the off-site waiting areas for such traffic, and arrangements for the turning of lorries if necessary;
 - d) the arrangements for deliveries associated with all construction works, loading/unloading of plant & materials and restoration of any damage to the highway [including vehicle crossovers and grass verges];
 - e) the parking of vehicles of site operatives and visitors;
 - f) protection of pedestrian routes during construction;
 - g) measures to control the emission of dust and dirt generated by demolition and construction;
 - h) a scheme for controlling noise and vibration from demolition and construction activities (to include piling);
 - i) provision for storage, collection, and disposal of waste, including hazardous waste (asbestos) from the development during construction period;
 - j) measures to prevent mud and dust on the highway during demolition and construction;

- k) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- l) temporary lighting;
- m) protection of pedestrian routes during construction;
- n) temporary surface water drainage provisions; and
- o) hours of working.

The development shall be carried out in accordance with the approved CEMP.

Reason - In order that the Planning Authority can properly consider the effect of the works on the amenity of the locality.

8. Prior to first use of the development hereby permitted, the existing southern access from the site to Knowle Lane shall be permanently stopped up and effectively closed with the verge reinstated, in accordance with details that have first been submitted to and approved by the Local Planning Authority.

Reason: In the interest of highway safety.

9. Prior to first use of the development hereby permitted, a Commercial Vehicle Access Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan must include:
- An HGV and commercial vehicle routing plan in and out of the site;
 - agreement that HGV's and commercial vehicles will not access the site from the northern end of Knowle Lane; and
 - agreement that HGV's and commercial vehicles will not egress the site in the direction of the northern end of Knowle Lane.

Reason: In the interest of highway safety.

10. 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.

11. 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.

12. 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.

13. Prior to first use of the development hereby approved, a minimum of 6 parking spaces shall be made available on site in accordance with the approved access and parking plan, and thereafter retained for vehicle parking only.

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

14. Prior to installation of any mechanical plant or equipment, full details shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that it would achieve noise levels below the background noise levels as set out in table 5.1 of the Acoustic Assessment (Clarke Saunders, 18 March 2025), for daytime and night time at the closest residential receptor.

Reason: To protect residential amenity.

15. The site shall not be accessed by any vehicle exceeding 7.5 tonnes.

Reason: In the interest of highway safety.