

Recommendation: **REFUSE PERMISSION**

- 1.1 The application site is located at the far western end of Lower Road (a no-through road), on the southern side of the road. The site is located outside of the designated settlement area as defined by policies CS17 and AL2 of the adopted Local Plan and is immediately adjacent Old Bedhampton Conservation Area, as extended under the 2019 review. The red lined application site includes the existing metal barn and its curtilage and also the parcel of land to the east that was last used for agricultural purposes. The site is surrounded to its south and west by open agricultural farmland, with the 'Rusty Cutter' junction with the A3/A27 located beyond to the west. There are residential properties opposite the site, to the north.
- 1.2 Within the emerging Local Plan, Havant Borough Local Plan 2036, housing allocation H20 for 50 houses is located immediately to the south east of the site. A current planning application is under consideration for 50 houses on the site - APP/19/00427 refers. The site is also identified as a Secondary Support Area for solent waders and brent geese under emerging policy E17 and as an uncertain area within adopted policy DM23.
- 1.3 The site is set at a lower level than Lower Road with an embankment forming the northern boundary, having a greater height difference at the western end. There is a line of mature sycamore, oak and hawthorn trees along the western half of the northern boundary, that are protected by a Tree Preservation Order. An existing access serves the site, which also provides a 2m wide access across the site to the agricultural fields to the south.
- 1.4 Prior Approval was granted under APP/14/01019 on 24 November 2014 to use the existing barn for either B1 or B8 purposes. That permission has been implemented with B8 storage first taking place within the barn in March 2016. However in September 2016 a concrete slab manufacturer also commenced from within the barn and as a B2 use this was a breach of the prior approval and thus planning permission is required. This application, in part, seeks to regularise the use of the barn for the B2 concrete manufacturer.
- 1.5 The existing curtilage of the barn should provide parking for the uses within the barn, but is currently being used for external storage, B8. A number of outside 'bays' have been created along the northern boundary, under the trees, through the use of heras fencing and each 'bay' is sub-let to separate builders for outside storage. Within some

of the bays are containers and trailer units. There is also a large 'bay' located to the west of the barn, and 2 further containers adjacent the northern elevation of the barn. At a site visit on 10/01/2020, twelve containers were on site.

- 1.6 The land to the east of the access road, was formerly agricultural land that was previously left overgrown with vegetation. Within this area is a further traditional barn located close to the south eastern corner of the site. This land has recently been cleared of its vegetation and now includes a large deposit of hard core. This has allegedly been partly scraped from the land (from when the area was possibly used for the construction of the Rusty Cutter roundabout) and partly been added to from outside sources. From third party information it is understood that this land was cleared and the hard core spoil formed in early summer 2019.

2 Planning History

03/65474/000 - Change of use of land and barn from agricultural to non residential agricultural and construction courses (D1) run by Highbury College. REF,01/04/2004
APP/14/00671 - Change of use from agricultural building to a flexible use (within classes A1, A2, A3, B1, B8, C1 or D2) subject to prior approval covering flooding, highways and transport issues, noise impact and contamination risks on site., WD,08/08/2014
APP/14/01019 - Change of use from agricultural building to a flexible use (within classes A1, A2, A3, B1, B8, C1 or D2) subject to prior approval covering flooding, highways and transport issues, noise impact and contamination risks on site., PAYA,24/11/2014
APP/15/00604 - Discharge of condition 2 of APP/14/01019 - Permitted 06/07/2015

3 Proposal

- 3.1 Retrospective change of use of existing building from B8 to mixed use of B1/B2/B8 and retention of six external storage bays; and proposed change of use of agricultural land with associated hard surfacing to form circulation and loading area.
- 3.2 The proposal has 3 elements: i) the retrospective change of use of part of the building for concrete manufacturing as a B2 operation alongside the existing B1 and B8 internal uses; ii) the retrospective use of the curtilage of the building for outside storage bays as a B8 use; and iii) the proposed change of use of the agricultural land for a hard standing circulation and loading area in connection with the former uses.
- 3.3 The building's B2 concrete use is operated by a father and son business who manufacture corner stones, paving slabs and firewall concrete blocks. They use an electric cement mixer and hand pour the mix into moulds which are placed onto a vibrating table to remove air bubbles and left to dry. A couple of days later the moulds are emptied by hand and the products stored on site (in either the building or in one of the external containers on site). The process is intermittent and the application seeks consent for access to the building for the B2/B1/B8 uses between 9am and 5pm Mondays to Fridays.
- 3.4 Externally the curtilage of the building is being used for storage bays for builders. Separate 'bays' have been created using heras style fencing and each bay is sub-let out with typical builders supplies stored either in the open or within containers. Each bay is accessed independently and it is stated that hours of access to the external bays would be between 06.30 and 18:30 Monday to Fridays and between 09:00 and 13:00 on Saturdays and Sundays. The submitted site plan shows six storage 'bays'

although it is noted that on site there are also two additional containers sited between the two sets of roller shutter doors outside the northern elevation of the barn - and these are not marked on the plans.

- 3.5 Within the proposed hard standing area is a large deposit of hard core and this would have to be removed from site to form the hard surfaced area proposed. No details have been provided as to the intentions for the hard standing area, other than as depicted on the site plan, for circulation and loading. The plans show a proposed landscaping buffer having a width of approximately 3.75m around the northern, eastern and southern boundaries of the eastern part of the site.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)
DM23	(Sites for Brent Geese and Waders)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

The containers are in close proximity to trees subject to TPO. At the very least, an Arboricultural Impact Assessment should be undertaken and submitted.

Conservation Officer **Background**

The application site is accessed and located to the south of Lower Road on the edge of an agricultural field. The north side of Lower Road is characterised by residential development. To the immediate east of the site is Old Manor Farm which is a complex of buildings that are locally listed, and which are now included in the Old Bedhampton Conservation Area boundary, following its recent review (2019).

The site comprises a flat roof, metal barn style building which has approval for B8 use. It also includes the area to the north and north east of the barn (0.37h in total). This area has been cleared of vegetation (when compared to photos provided on the public register) and now includes 6no. storage bays for 12no. metal storage containers to the north of the barn, some of which are separated by herras fencing to include external storage space.

There is also a large deposit of soil/hard core on the area to the NE of the barn, immediately adjacent to the entrance into the site from Lower Road. This is not shown/indicated to on the revised location and block plan. The site is partially screened from Lower Road by a row of mature trees and the site itself is set down from the level of Lower Road. Nonetheless, the site and its current state, is clearly visible from Lower Road and from the A27 junction which lies to the west of the site.

It appears from the responses provided by the public, that the physical changes to the application site have occurred over the past year. Previous to this, the site comprised the barn and the agricultural field with the existing tree belt along Lower Road and one further outbuilding.

Proposal

The proposal is to seek approval for the retrospective change of use which has already taken place, including a change of use to the barn itself to include B1/B2 and B8 instead of solely Class B8 use.

Policy Considerations

National Policy / Legislation

Given the proximity of the application site adjacent to the Old Bedhampton Conservation Area (Character Area 5 – Old Manor Farm Buildings), Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The recently published Good Practice Advice Notes 1, 2, 3 from Historic England, supersede the PPS 5 Practice Guide which has now been withdrawn by Government. The Historic Environment Good Practice Advice (GPA) in Planning Note 2, states at paragraph 4: The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

Of particular relevance for this application, given its location adjacent to the conservation area, is Good Practice Advice (GPA) Note 3 – The Setting of Heritage Assets. This note provides advice on understanding setting, how it may contribute to the significance of heritage assets and allow that significance to be appreciated, as well as advice on how views contribute to setting. This guidance note also advises that setting is not a heritage asset or a designation in itself, but its importance lies in what it contributes to the significance of the heritage asset.

The National Planning Policy Framework (NPPF) 2019 sets out the policies that the Council must take into account when determining planning applications. The NPPF sets out, in Section 16, the Conserving and Enhancing of the Historic Environment. The following paragraphs are of particular relevance:

- Para. 189 advises that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including the contribution made by their setting.
- Para. 192 advises that in determining applications, local planning authorities should take account of:
 - a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- Para. 194 states that any harm to the significance of a designated heritage asset requires clear and convincing justification. It should also pass certain tests depending on the magnitude of harm caused.
- Para. 196 states that where a development proposal will lead to less than substantial harm, this harm should be weighed up against the public benefits delivered by the proposals.

Local Policy .

Current Local Plan Policy CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) at section 4, advises that planning permission will be granted for development whereby it protects and where appropriate, enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy DM20 from the adopted Allocation Plan 2014 advises the planning permission will be granted for development that conserves and enhances the historic assets of the Havant Borough and are expected to provide a heritage statement for developments which have the potential to affect heritage assets.

Emerging Policy E13 from the Draft Local Plan 2036 provides similar advice to existing Policy CS11, but also adds that where harm cannot be avoided, mitigation may be proportionate to the impact and the significance of the heritage assets and fully incorporated into the development proposals.

Assessment .

Contrary to advice laid out in the NPPF, the application has been submitted without a Heritage Statement, which sets out the significance of any designated heritage assets likely to be affected by the development proposal. The submitted D & A Statement makes no mention of heritage as a planning consideration in its scheme assessment. It is therefore important to assess

the significance of the designated heritage asset as part of this consultation.

In this regard the designated heritage asset is Character Area 5 of the Old Bedhampton Conservation Area. This comprises the Old Manor Farm Buildings which are of local historic interest. It is an area which is separated from the main conservation area, but has been included as an additional character area following a recent review of the conservation area and its boundaries in 2019. The appraisal describes the area as follows:

'Old Manor Farm Buildings are situated to the south of Lower Road and was built around the turn of the twentieth century. They are a separate character area to reflect their former agricultural use and originally set apart position from the historic centre. The buildings, now converted to residential use, retain the farmyard layout combined with cottage style fenestration to positive effect. This area also includes the original farm worker cottages to the east, also built of distinctive dark red brick'.

The reason for their inclusion is stated as follows:

'These buildings provide insight into the agricultural past of the settlement. Whilst they are no longer in their original agricultural use, they retain some interesting architectural features and the relationship between the buildings is distinctly that of a farmyard arrangement'.

The application site lies adjacent to Character Area 5 and by virtue, forms part of its setting. The wider area surrounding Character 5 of the Conservation Area is dominated by open countryside. The Conservation Area derives part of its significance from this setting, which contributes to the rural character of the area and its agricultural past.

Part of the analysis on the impact on setting, is to establish whether the setting of an affected heritage asset makes a contribution to its significance and the extent and/or nature of that contribution; both setting, and views which form part of the way a setting is experienced, may be assessed additionally for the degree to which they allow significance to be appreciated.

The change of use of this piece of land does raise concerns from a heritage perspective. Whilst the existing tree belt along Lower Road does offer some level of screening, the site and the development which has taken place, is clearly visible from public vantage points on Lower Road and the footpath/cycle path on the A27 junction to the west and from the south i.e. the trainline running from Portsmouth eastwards.

The siting of the storage containers appears haphazard, with further external storage clearly visible. The containers are constructed from metal and no attempt has been made to use a colour finish which blends in with the rural character. Whilst the containers themselves may not need express planning permission, the siting of them does. No attempt to provide additional screening around the containers has been provided.

The clearance of the land and vegetation, particularly to the east of the site in the area to be used for circulation and loading, has diminished the verdant and rural character of the site. There is currently a large mound of hard core and soil deposited in the eastern part of the site close to the entrance. This is clearly visible from the public vantage point on Lower Road. This contributes to the untidy feel of the site which in turn harms the setting of the adjacent conservation area. This mound may not

constitute development as such, but it is questionable as to why it is on the site and certainly no attempt has been made to screen it from view.

A landscaping scheme is proposed on the amended 'Location and Block Plan V2', which shows a 3.75m wide landscaping belt along part of the north boundary, east boundary and part of the south boundary. However, whilst such a scheme may obscure the Circulation/Loading area from view, it does not extend to the area of the site where the containers are sited. Furthermore, the success of any landscaping would be dependant on the species and nature of the planting used.

With regards to the change of use to the barn, it is not considered that this would directly impact on the conservation area setting, other than its association with the industrialisation of the overall site.

In summary, it is considered that the change of use of the site to include the siting of several containers and the general industrialisation of the site, introduces a use which is visually inappropriate and out of context with the surrounding area. The industrialisation of the site is considered to be harmful the setting of the adjacent conversation area and therefore the significance of the designated heritage asset.

Conclusion

Overall, is it considered the development would not either preserve or enhance the setting of the conservation area subject to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

However, as the harm is isolated to one particular site and does not comprise a significant proportion of the wider countryside setting, it is concluded the level of harm caused is ***less than substantial***.

As such, in line with the NPPF, paragraph 196 which states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

County Ecologist

My only comment is in relation to the apparent use of bright artificial lighting (this is mentioned in several of the public comments). Artificial illumination has the potential to impact nocturnal wildlife including bats and may result in impacts to overwintering bird species associated with the field immediately south of the application site.

Economic Development

None received

Environmental Health

I have perused the documentation submitted to this office for comment, and have also recently visit the site. The concrete product manufacture takes place within the barn structure and is a fairly low key operation. There is also some storage related to this operation in a container outside the main access door. Hours of operation stated as 09:00 to 17:00 Monday to Friday for internal building usage.

The balance of the B8 use relates to a number of builders or similar using shipping containers and similar units, plus each has some allocated yard space adjacent these units, for the storage of materials, tools and similar. These units appear to be accessed on a 'when required' basis, and are sited to the north and west of the barn structure.

The hours of access to the site and external storage areas are given as 06:30 to 18:30 Monday to Friday and 09:00 to 13:00 Saturday / Sunday and not at all on public holidays. These times are acceptable at this time but will be re-addressed if complaints should arise related especially to early morning noise issues.

A noise report has been submitted in relation to the current B2 operation, which indicates no adverse impact to nearest residential receptors, in its current format. The B8 aspect related to a number of small business operators using storage facilities on site, is not covered in the report, and if this application were to be approved, will need to be strictly limited going forward.

I have no objection in principle to this application, but would ask for the following conditions to be added to any favourable decision notice:

Condition 1: That the Class B2 concrete product manufacturing business be restricted to being carried out within the barn type structure.

Reason: To protect nearby residential receptors from any noise and vibration nuisance.

Condition 2: That any B2 approval be restricted to only the business above in its current format.

Reason: To protect nearby residential receptors from any noise and vibration nuisance.

Condition 3: If any approval were to be granted for B8 usage externally, that it be limited to current level and type of storage provided only.

Reason: To protect nearby residential receptors from any noise and vibration nuisance.

Condition 4: No bonfires or burning of any waste on this site at any time.

Reason: To protect nearby residential receptors from smoke nuisance.

Condition 5: Details of any floodlighting or other form of external lighting such as security lighting, shall require approval by the Local Planning Authority. Such details shall include, Location, height, type and direction of light sources and intensity of illumination. Any lighting scheme agreed in writing by the Local Planning Authority shall not thereafter be altered without prior consent other than for routine maintenance, which does not change its details.

Reason: To protect the occupants of nearby properties, from any light disturbance / nuisance.

Hampshire Highways

The change of use application has been reviewed against the previous planning permission and it is noted that the forecast number of vehicular trips reduces with the revised land use. Under the worst case scenario, the site is predicted to generate 26 two-way vehicular movements over a typical weekday period, which equates to a negligible number of trips in the peak hours. Accident history also reveals that the site has been operating with a clean accident record for the past five years.

The regularisation of land use B2 is not considered to have a severe impact on the highway network. Therefore, the Highway Authority raise no objection to this planning application.

Langstone Harbour Board

No objection

Natural England

Solent Waders and Brent Goose Strategy

This application site is mapped as a Secondary Support Area for Solent Waders and Brent Geese (site H05A). Where developments are particularly close to the SPA or supporting habitat and likely to generate significant noise we would normally request that noise levels do not exceed 69dbAmax (measured at the sensitive receptor) during the bird overwintering period (i.e. October to March inclusive).

According to the noise assessment, the dB(A) levels would be under the 69dbAmax even directly adjacent to the building. Therefore, we are satisfied there should be no adverse effect on the Secondary Support Area.

6

Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 16

Number of site notices: Not applicable.

Statutory advertisement: 13/12/2019

14 letters of representation have been received in total, 8 on the original submission and a further 6 on the revised/re-validated details and description. The key issues raised covered the following topics:

Existing barn use

Noted that activities within the barn itself are not generally disruptive; inappropriate to allow a B2 use without details conditioning size, type, times etc

Officer Comment: Noted

Character of area/Amenity

Area is residential and should not become a business park; activity detrimental to residential amenity from hours of use, fumes, traffic, noise; vehicles rattle up and down road evenings, weekends, and in early hours;

Officer Comment: Noted - see Section 7

Outside Storage/Visual Intrusion

Object to external B8 storage - visual intrusion; risk of increase in B8 activity on enlarged site; containers unsightly, rust coloured; site already resembles a dumping ground; site messy, unsightly and detrimental to area; already more outside containers than applied for;

Officer Comment: Noted - see Section 7; Number of containers has varied but within the 'storage bays' applied for

Activity at Site

Over the past 6-12 months, there has been a marked increase in activity at the site-

removal/pruning of trees, installation of bright security lighting, increased vehicular usage/parking (particularly trades vehicles); noise, odours and smoke blow from site;
Officer Comment: Outside storage use and B2 concrete use occurred without planning permission - hence this retrospective application

Vehicular movements/Access

The associated vehicle movements are disruptive to the local area, particularly as some occur out of normal working hours; increased use results in increased vehicular movements; would block access to the western part of the field from Lower Road; 50 houses at H20 will be detrimentally impacted by access road around perimeter; combined with traffic movements for H20 the vehicular use of the road would increase considerably; lane adjoins a cycle route and previous cyclist accidents; increased use of Kingscroft Lane and Bidbury lane as a means of access; industrial traffic in a residential area;

Officer Comment: Noted - see Section 7

Road safety/traffic report

Site access restricted due to Lower Road being shared surface with no pavements; only pavements on blind bends and mobility scooters/buggies etc have to use the road; traffic report understates or omits areas of concern - traffic movement figures do not show whole site and ignore fact that no pavements in Lower Road which has 3 bends with poor sight lines; traffic goes too fast; over-reliance on crash map for just Brookside & Lower Road and not the mini roundabout which is inadequate for commercial traffic; hazard to pedestrians, elderly, dog walkers and cyclists;

Officer Comment: Noted - see Section 7

Hours of use

Site operates at all hours and not just normal working day; The acoustic report indicates that the concrete manufacturing inside the barn is only operational 9am-2pm, however the class B8 activities occur outside of these hours and in fact the site seems to be 'open' for access almost permanently; have evidence of activity and vehicles arriving outside proposed hours with associated noise; proposed hours very early and not keeping to those times, not appropriate for residential area or Conservation Area

Officer Comment: Noted - see Section 7; scope of acoustic report was to assess the B2 concrete manufacturing, not the B8 outside storage; timings of any previous vehicle movements were not restricted by condition - only if application is permitted will the hours of activity at the site be controlled

Screening

Disagree that the site is well screened from local residents - the vegetation has been thinned out and the security lighting (outside of normal working hours) is visible to local residents; deciduous trees so in winter months clear view of site; western boundary of H20 development open and southern boundary of this site open so will be views across both sites and from railway and A27;

Officer Comment: Noted

Security Lighting

bright light visible to all nearby; impacts bedrooms; lights on all night

Officer Comment: Noted - installation of security lighting does not require planning permission

Impact on Conservation Area.

Not appropriate for a quiet semi-rural area adjacent to a Conservation Area; harm to the Old Bedhampton Conservation Area by commercial vehicles; tranquil setting unfit

for commercial vehicles;

Officer Comment: Noted - see Section 7

Containers

Query whether containers that are not fixed, permanent structures could be added to without permission? is that intended use of cleared hard standing area?

Officer Comment: it is the use of the land for the siting of containers that requires planning permission, rather than the containers themselves - therefore should this application be permitted the containers on the site could come and go, change in appearance and numbers, provided they remained within the bays depicted on the site plan

Intensification

Site area increased from APP/14/01019; increasing the storage, hard standing and circulation areas will only lead to more activity in a residential area; additional vehicular movements along Lower Road with associated narrow Lanes, safety etc

Officer Comment: Noted

Previously developed land

The area of "hard standing" to the east is not previously developed land, and thus para 84 of the NPPF is not a justification. Site not within Local Plan 2036

Officer Comment: Noted - see Section 7

B1 and B8 only

Should enforce B1 and B8 use only and this should be within the Barn only. The curtilage should be fully restored. B2 use within the Barn could be permitted as long as it is closely defined terms of actual process, volumes and times of activity.

Officer Comment: Noted

Piecemeal development

Should be assessed in conjunction with allocation H20 for 50 houses and determined at the EiP of the HBC LP 2036;

Officer Comment: each application must be considered on its merits having regard, amongst other things, to the context of the site - and the proposed development H20 is noted as affecting the context of the site

Biodiversity/Ecology

Site is adjacent a low use site for solent waders and brent geese; site within bechstein's bat area; swallows were prevalent visitors

Officer Comment: Noted - see Section 7

Foul sewage

Are there any facilities for personnel on site?

Officer Comment: There is a wc on site within barn

Employment

Form indicates just 2 persons; this underplays the number of individuals using the site 7 days a week

Officer Comment: 2 employees relates to those employed at the site by the concrete process - the builders that come and go to access the storage are employed elsewhere, not directly at the site

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area and adjacent Conservation Area
- (iii) Impact upon residential amenity
- (iv) Highways considerations
- (v) The effect on Ecology
- (vi) Impact on Trees

(i) Principle of development

7.2 The whole application site is located beyond the identified built up area as defined by policies AL2 and CS17. These policies seek to concentrate development within the defined urban area. The Pre-Submission Havant Borough Local Plan 2036 currently has limited weight in decision making but does indicate the direction of travel. It is noted that the emerging policy E3 and the settlement boundary of Bedhampton continues to exclude the application site which therefore remains outside the defined settlement boundary.

7.3 The application site comprises broadly two parts - the western part with the former agricultural barn that by virtue of implementation of APP/14/01019 comprises a lawful B1/B8 unit, and the eastern part that was overgrown agricultural land until it was cleared. Therefore the western part is considered to comprise 'previously developed land', but the eastern part remains agricultural land and does not comprise 'previously developed land'. On previously developed land the principle of additional employment provision is supported by adopted Policy CS2.

7.4 Both the adopted and the emerging local plan policies allow for exceptions to their restrictions on development outside the defined urban area, if such development relates to small scale householder development and development which meets an overriding public need. Neither of these apply. In addition, policy AL2 allows for development which meets the policies for exceptional development in rural areas as set out in the NPPF. However, it is not considered that these exceptions apply to this proposal, since NPPF rural exception sites are defined as small sites for the provision of affordable housing.

7.5 Additional exceptions emerging in policy E3 also apply where the proposal is on previously developed land and does not represent a material intensification of use; or specifically and demonstrably requires a location outside of a built-up area. Since the site is only partly previously developed land, does result in an intensification of use, and does not require a location outside of a built-up area, then it is considered that these exceptions to emerging policy E3 do not apply. Overall, the proposal is therefore considered contrary to policies on settlement boundaries.

7.6 It is also noteworthy that the supporting text to emerging policy E3, at paragraph 5.35, notes that no parts of the Borough are considered to be 'rural' for the sense of applying the rural exceptions for small scale commercial or affordable housing development as allowed by the NPPF. The non-urban areas and edges of settlement of Havant Borough are not sufficiently far from nearest built up areas to justify their own housing or jobs.

7.7 The NPPF 2019 does set out a presumption in favour of sustainable development and

it is necessary to balance the three overarching objectives of economic, social and environmental roles. The NPPF supports the principle of sustainable economic growth and notes that decisions should "recognise and address the specific locational requirements of different sectors.... including... for storage and distribution operations at a variety of scales and in suitably accessible locations" (para 82). Furthermore the NPPF supports a prosperous rural economy through the diversification of agricultural and other land-based rural businesses (para 83). Paragraph 84 does note that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements but it does note that "it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable".

- 7.8 It is noted that the submitted Design and Access Statement relies on paragraphs 83 and 84 for support for the proposal and implies the whole site comprises previously developed land. However the LPA is of the view that only part of the site comprises previously developed land and that this edge of settlement site does not constitute 'rural' in the sense of NPPF exception sites. Furthermore the design and access statement fails to take account of the fact that the site is immediately adjacent a Conservation Area where the NPPF notes that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
- 7.9 Therefore in the balancing of the economic, social and environmental roles of this particular site, it is the sites location adjacent a Conservation Area that needs special regard. It is acknowledged there are some economic and social gains to the owner and users of the site from the provision of the business uses at the site. However this limited private gain must be weighed against any harm to the context of the site and its surroundings, which in this case includes potential visual and environmental harm from the uses adjacent to the historic asset, which will be considered in more detail below.

(ii) Impact on the character and appearance of the area and adjacent Conservation Area

- 7.10 It is noted that the context of the site is varied - with the open farmland to the south but residential properties to the north and the Old Manor Farm buildings in the Conservation Area directly to the east. Nevertheless the predominant original character of the area, when approaching the site from the east, is that of a rural setting. The site is partially screened from the north by a line of mature deciduous trees that are subject to a TPO and the level of screening varies according to season. There are also oblique views down into the site from further east along Lower Road, and by virtue of the open agricultural land to the south, the site is also visible from long distance views from the railway line and A27. The existing building on the site is an agricultural style building that sits in this wider landscape appropriately and is considered visually acceptable in isolation. The proposed 50 dwellings on the H20 site would sit to the south of Old Manor Farm and would not encroach west and as such would not affect the immediate open and rural appearance of the setting of this application site when viewed from Lower Road.
- 7.11 However the outside storage areas and introduction of containers has resulted in a disordered and messy appearance to the site with brightly coloured containers and piles of builders detritus, car tyres etc being visually incongruous. The containers located to the west of the barn are visible from long distance views from the south and are considered harmful to the setting of the barn building in this low lying farmland. Current views from Lower Road are of the heap of unauthorised hard core within the

cleared eastern area, with limited oblique views of the containers, vehicles, and open storage to the north of the building. However, if approved, the proposed hard standing area could become parked up with vehicles (note it may be possible to restrict any further outside storage in this area by condition). This would undoubtedly result in further urbanisation and visual harm to the setting of the site and character of the area, and detrimentally affect the outlook from the neighbouring properties opposite. Because these dwellings are set at a slightly higher level, then the views from within these properties, and in particular from their upper floor rooms, is further reaching and the presence of any parked vehicles and associated outside storage would be more visually obvious and dominant.

- 7.12 The Old Manor Farm buildings immediately to the east of the site are part of the Old Bedhampton Conservation Area. Consequently in determining this application regard must be had to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard be made to the desirability of preserving or enhancing the character and appearance of that area. The lack of any Heritage Statement and assessment of the significance of the heritage asset and the contribution made by its setting, is contrary to advice and fails to demonstrate that the proposal would preserve or enhance the Conservation Area. The Council's Conservation Officer is of the view that the Old Manor Farm Buildings derive their value from their farmyard layout and insight into the agricultural past of the settlement, which is largely attributed to the fact that they are dominated by open countryside/farmland. In this case the setting contributes to the value of the asset. The loss of the agricultural land immediately to the west of Old Manor Farm from the proposed change of use of land to hard standing/circulation, would erode the rural character and setting of Old Manor Farm. The proposed hard standing area is a significant area of land, some 40m x 60m, and if surfaced in a tarmac or similar finish, would result in a visual urbanisation and industrialisation of this parcel of land that would materially alter and harm the significance of the setting of Old Bedhampton Conservation Area as well as the rural character in general when viewed from Lower Road.
- 7.13 It is however acknowledged that the loss of rural setting and consequential harm would be limited to a modest proportion of the countryside setting relative to the whole Old Bedhampton Conservation Area, and as such the harm would be "less than substantial". In such circumstances the NPPF advises that the harm should be balanced against any public benefits to secure its optimum viable use. It is considered that there are no public benefits of the proposed use, rather just private financial benefits to the owner/applicant. Accordingly it is considered that the proposed change of use of land from agriculture to hard standing would neither preserve or enhance the setting of the adjacent Conservation Area and would be contrary to NPPF advice, and policies CS11 and DM20.
- 7.14 With respect to the proposed B2 concrete use, it is noted that the manufacture process is contained within the building and is currently operated at a modest scale that has limited impact on the character of the area.
- 7.15 Overall it is considered that the retrospective outside storage elements of the proposal, and the proposed change of use of agricultural land, would result in a visually harmful form of commercial development, inappropriate to the more rural visual characteristics of the area and setting of the Conservation Area, contrary to policies CS11, CS16 and DM20 of the adopted Local Plan, and the NPPF. Additionally the proposal is considered contrary to emerging policy E13.

(iii) Impact upon residential amenity

- 7.16 Within the third party comments it is noted that the current B2 concrete manufacturing process within the building is not the predominant cause of concern and does not appear to generate adverse noise or activity at the site. Generally it is accepted that provided this is controlled via condition to ensure it remains operational in its current low key basis, and does not become an open B2 use, then there is little objection on amenity grounds to this part of the proposal. With conditions, it is considered that the continued use of the barn for concrete B2 manufacture could be supported by the LPA as a low key sustainable diversification that does not result in any material harm to either the setting of the site or neighbouring amenity. However the LPA cannot issue split decisions and the determination of this application must also consider the other two elements of the proposal and the adverse impacts associated with those uses.
- 7.17 There are several objections to the outside storage and proposed hard standing area, largely based on harm from comings and goings and visual intrusion. It is alleged that vehicles access the site at all times of day and night with the noisy rumbling of commercial vehicles along the narrow lanes causing highway and amenity concerns. Currently the outside storage B8 use is unlawful and until the determination of this application it would not be expedient for the Council to take Enforcement action and therefore the timings of access to and from the site is currently unlimited.
- 7.18 The application seeks permission for access to the six outside storage bays between 6.30am and 6.30pm Monday to Fridays with between 9:00am and 1pm on Saturdays and Sundays. It is assumed that each bay could be accessed by its tenant(s) on a daily basis. Builders tend to start early and hence would be likely to come to site to collect materials before heading to their jobs, and return at the end of the day, with unlimited access during the day. Should permission be granted with such an hours condition then the onus on reporting non-compliance would fall on the local residents.
- 7.19 Potentially the outside storage bays could generate at least 12 trips per day, possibly many more depending on how materials are loaded and unloaded and manpower needed. The types of vehicles are unknown but are likely to include commercial vans and flat bed trucks which can cause greater noise and vibration than domestic vehicles. This would be in addition to any trips associated with the B2 concrete business and the existing B1 and B8 uses within the barn. The enlarged hard standing area would also be likely to result in additional comings and goings to the site. Whilst the highway safety matters associated with these trips will be considered separately below, the highway amenity impacts are different. The noise, vibration and disturbance from commercial vehicles coming and going to the site throughout the day is considered to have an adverse impact on the otherwise quiet and tranquil setting of the site. Being a dead-end road, there is no through traffic, and previously the residential properties, particularly numbers 54 - 76, would have experienced little traffic passing directly by, and those vehicles would have largely been domestic vehicles.
- 7.20 It is considered that the noise, vibration and disturbance associated with the additional commercial vehicles and their loads, passing close by linear residential properties from 6.30am to 6.30pm would be harmful to neighbours' quiet enjoyment of their properties. Many of the third party letters already refer to disturbance and fumes from additional traffic and the further enlargement of the site would only increase this activity. Whilst it is acknowledged that a B1/B8 use was permitted under APP/14/01019 this was limited to the barn itself with a much smaller floor area than currently proposed. It is the continued unauthorised intensification of use of the site

that has occurred with associated trips that has resulted in complaints from neighbours. Whilst para 84 of the NPPF indicates that in rural areas local business needs may have to be found adjacent to settlements, such development must be sensitive to its surroundings and not result in adverse impacts. It is considered that this site is not truly a rural location and whilst part of the site is previously developed land, the site circumstances, ie proximity to residential properties set at the end of an otherwise quiet narrow cul-de-sac, and nature of the vehicles used and timings of trips, make the proposed outside storage and change of use of land for further loading and maneuvering, an insensitive form of development inappropriate to the location. The resultant harm to neighbouring amenity is considered to be contrary to policies CS16 and DM10.

- 7.21 Other neighbour amenity concerns relate to the bright security lights on the barn that are intrusive in the area. These are allegedly left on all night for security reasons. However the installation of security lights does not require planning permission and hence cannot be controlled.

(iv) Highways considerations

- 7.22 In terms of highway safety several of the objection letters note the lack of pavements and bends in Lower Road, resulting in perceived danger to pedestrians, cyclists etc. A Highways Statement has been submitted with this application and the trip generation analysis within this document is considered relatively unreliable (e.g. Table 4.1 uses many of the unauthorised activities at the site as setting the background for 'existing' when in fact these should be part of the 'proposed' trip generations; and it has been assumed that some of the storage bays would only be accessed either weekly or monthly, when realistically it is considered that it should be assumed that each bay is accessed daily. Additionally no mention of the type and size of vehicle is made). However, notwithstanding this view of the Highways Statement, it is accepted that relative to the local highway network capacity the trip generation would be minimal and not have a material impact on the operational capacity or safety of the local highway network.
- 7.23 The highway safety of the local network has been scrutinised under APP/19/00427 for the 50 dwellings on H20 and is currently under further review by HCC. The Bedhampton Hill roundabout is forecast as being at capacity during the AM and PM peaks for 2024, but this is largely attributed to background growth. There have been no recorded accidents over the past 20 years at this location. The proposed commercial use of this site is acknowledged as adding marginally to the background traffic movements, but the trip generation, even accounting for the disputed calculations used, and H20 site should it be permitted, would still represent a small increase and the safe operation of Lower Road would not be affected by the modest additional movements. The County Highway Engineer is also of the view that the proposed use would not have a severe impact on the highway network.
- 7.24 Therefore it is not considered that a refusal based on highway safety grounds can be substantiated. However, as noted in paragraphs 7.18 - 7.20 above, the highway amenity impact on neighbours from the associated noise, vibration and disturbance of additional commercial vehicles passing residential properties from early in the morning, is a residential amenity issue that is considered to have an adverse impact.

(v) The effect on Ecology

- 7.25 The entire site lies within the larger Solent Waders & Brent Goose Strategy (SWBGS)

site H05a which is a Secondary Support Area (emerging policy E17) and also partly within the identified Bechstein Bat area (emerging policy E15). The proposed change of use of the eastern half of the site from agricultural land to hard standing would result in the loss of this area for waders and brent geese. Such fragmentation of habitats is contrary to adopted policy CS11 and DM23 and emerging policy E17 indicates that development should only be supported if suitable replacement habitat is provided or if this is not practical, then a financial contribution is secured in accordance with the requirements of the SWBGS. However it is noted that the parcel of land in question was until recently covered in vegetation and trees and as such would not have contributed to the birds feeding ground. Given that the site is between existing development (the existing barn and its curtilage, and Old Manor Farm buildings) then Natural England concur that the land is unlikely to be a key part of the Secondary Support Area used by brent geese. The key issue is whether the proposed development would have an impact on the remainder of the Secondary Support Area. The proposed plan does include a 3.75m wide landscaping buffer to the south acting as a barrier to the open fields beyond. This landscaping belt would help mitigate against indirect effects such as noise and visual disturbance to any over-wintering birds feeding on the land such that it is considered that the Secondary Support Area would not be materially harmed.

- 7.26 In respect of the bats, emerging policy E15 indicates that development proposals should be supported by ecological surveys to assess the potential for the presence of bats. This information has not been submitted. The County Ecologist has noted concern at the artificial bright light at the site that would impact nocturnal wildlife. Should the application be recommended for permission, then there would be opportunity to control the use of lighting, but given that the recommendation is for refusal, then it is the lack of any ecological assessment to enable considered mitigation measures that is contrary to emerging policy E15. Given that this is an emerging policy only with limited weight, it is considered unreasonable to refuse the application for the lack of a bat survey at this time. Should the proposal go to appeal then this matter can be re-examined by an Inspector.

(vi) Impact on Trees

- 7.27 The site is bounded to the north by a line of mature trees that are protected by a Group Tree Preservation Order. Five of the outside storage bays are located beneath the canopies of these trees. Whilst no arboricultural impact assessment has been undertaken, the Council's tree officer is of the view that the current level of storage beneath these trees has not affected their health. The trees appear to have survived the added compaction and the height of the storage containers sits just below the canopies and no damage has occurred to the tree branches. On balance, it is considered by the tree officer, that provided no further changes are made to the nature or height of storage beneath the TPO'd trees then there would be no objection on arboricultural grounds.
- 7.28 However, permission is only required for the siting of containers and storage within the identified bays, and not for the containers themselves. Therefore it would be difficult to control any continual change in numbers or position of containers and the type and height of stored materials beneath the trees in the future. This could potentially have an impact on the health and longevity of the trees. No Arboricultural Impact Assessment or any mitigation or method statement has been submitted to demonstrate how this issue could be overcome, and without this information or suitable mitigation scheme, the proposal could result in future harm to the trees. Based on the submission to date, the LPA would have no way of satisfactorily

controlling the activity, future containers and storage beneath the trees, which is considered contrary to good arboricultural practice and policies CS11 and DM8.

8 Conclusion

- 8.1 It is accepted that the western part of the site comprises previously developed land and the site is located adjacent a settlement area where the NPPF indicates that in rural areas, local business needs may have to be considered, but subject to its surroundings and any adverse impacts. It is noted that the site is not rural and direct employment gain from the proposed development is low, just the 2 staff employed by the B2 concrete manufacture; the B8 storage use does not result in any direct employment on site. Accordingly it is considered that the proposal does not provide sufficient employment gains to outweigh the environmental harm of the proposal. The eastern part of the site is outside the identified settlement boundary and not previously developed land, and as such the principle of the use of this area for any commercial use is not supported unless any benefits outweigh the harm.
- 8.2 The site is located adjacent Old Bedhampton Conservation Area and the submission fails to assess the significance of the asset and contribution made by its setting, contrary to NPPF advice. It is considered that the change of use of the land involving an enlarged hard standing area would result in an unsightly and urban appearance that would erode the rural character and setting, failing to preserve or enhance the Conservation Area. Additionally the outside storage area with bright coloured containers and builders detritus stored in the open is considered visually harmful to the site as a whole, detrimental to wider views of the site and harmful to the outlook of neighbouring amenity. The nature of the vehicular trips associated with the B8 use, ie commercial vehicles early and late, is also considered to harm the otherwise quiet setting of the site, harmful to neighbouring amenity.
- 8.3 The trees on the northern boundary of the site are protected by a Group Tree Preservation Order and whilst the current level of storage has not caused any harm to the trees, it is considered that the future change over of containers and storage materials under their canopies could cause future harm to the health of the trees. Any permission would only be for use of land for the siting of containers within identified bays and there would be no long term control over the number or position of containers in these areas, and without an Arboricultural Impact Assessment and mitigation measures the submission fails to address the future harm to the trees.
- 8.4 It is considered that the harmful impacts of the proposal on the Conservation Area, neighbouring amenity and protected trees outweighs any benefits of the commercial uses in this location and as such the proposal is recommended for refusal. Since the proposal is in part retrospective, with the outside storage element and concrete manufacturing already taking place, and an unauthorised pile of hard core and rubble that has in part been imported to site as part of an engineering operation, the refusal of this application will necessitate appropriate Enforcement proceedings to secure the cessation of the unauthorised uses and activities at the site and removal of the pile of hard core.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/19/01083

(A) for the following reasons

- 1 The proposal represents development in a non-urban area beyond the identified settlement policy boundary for which there is no overriding justification. The exception criteria are not met and therefore the proposal is considered contrary to policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 of the Havant Borough Local Plan (Allocations) 2014, emerging policy E3 of the Pre-Submission Havant Borough Local Plan 2036, and the National Planning Policy Framework.
- 2 The proposed development is immediately adjacent to a designated heritage asset (Old Bedhampton Conservation Area) and the application fails to assess the significance of this asset, including the contribution made by its setting, and the impact that the development will have on the designated heritage asset as advised by paragraph 189 of the NPPF. It is considered that the change of use, including its associated hard surfacing, results in an industrialisation of the site, resulting in an erosion of the rural character and harmful to the significance of the adjacent designated heritage asset, failing to enhance or preserve the heritage asset. It is therefore considered contrary to policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations) 2014, emerging policy E13 of the Pre-Submission Havant Borough Local Plan 2036, and the National Planning Policy Framework.
- 3 The retrospective outside storage B8 uses and proposed change of use of land to enlarged hard surfaced manoeuvring area, is considered to result in an unsightly appearance with additional commercial vehicle movements that has a detrimental impact on the residential amenity of the area. The resultant visual intrusion from containers and builders storage on site, and noise and vibrations from commercial vehicles coming and going from early morning, would constitute an undesirable over-intensive commercial use of the site, which would have an adverse effect on the amenities of occupiers of adjoining properties in this otherwise quiet cul-de-sac location at this edge of settlement area. The proposal is therefore considered contrary to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The proposal, without an Arboricultural Impact Assessment or mitigation strategy, has not adequately demonstrated that there would be no harm to the health of the trees subject to Tree Preservation Order number 1930. Continued future change to the stored items below the trees may have an adverse impact from ground compaction and height of stored materials, and could result in damage to the trees, thereby diminishing their health, appearance and longevity. The proposal is therefore contrary to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

