

OFFICER REPORT FOR COMMITTEE

DATE: 10/07/2024

**P/23/1182/CU
NEWLANDS FARM, STROUD GREEN LANE**

**STUBBINGTON WARD
AGENT: HENRY ADAMS LLP**

CHANGE OF USE OF BUILDING TO USE CLASS E(G)(iii) AND/OR B8,
FORMATION/ALTERATION OF ON-SITE CIRCULATION SPACE, PROVISION OF
ADDITIONAL PARKING SPACES AND WIDENING OF ACCESS TRACK TO
FACILITATE A DIVERSION OF A PUBLIC RIGHT OF WAY

NEWLANDS FARM, STROUD GREEN LANE, FAREHAM, PO14 2HT

Report By

Hannah Goldsmith – direct dial 01329 824665

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of third-party representations received.

2.0 Site Description

2.1 The application site is located within the countryside outside of the defined urban settlement boundaries and within an area designated as Strategic Gap in the adopted Fareham Local Plan 2037.

2.2 To the immediate west of the application site lies a residential property, Newlands Farmhouse, which is in separate ownership to the application site and to the north of the application site is the Stubbington By-Pass.

2.3 The surrounding farmland to the south, east and northwest of the site is designated in the adopted Local Plan and in the Solent Waders and Brent Geese Strategy map as a low-use classification area (F17N).

2.4 A section of land located between the Stubbington By-Pass and other farm buildings which are currently occupied by TS Tyre Repairs do not form part of the application site.

2.5 A public right of way, Footpath 69, runs through the main part of the site.

2.6 The red edge of the application site identified on the submitted location plan comprises:

- the main barn in its entirety
- the yard to the west of the main barn; and,

- the access road (also Footpath 69) leading from the yard back to the Stubbington By-Pass.

2.7 This part of Newlands Farm, the subject of this application, was granted planning permission in 2004 under reference P/04/1614/CU to be used for purposes falling within Class B8 (storage and distribution). The front section of the main barn benefits from a lawful use for storage purposes (Use Class B8). The rear section of the main barn was not within the 2004 application site. Its lawful use is for purposes ancillary to the agricultural use of Newlands Farm. Similarly, the parcel of land directly to the south of Stubbington By-Pass is considered to be agricultural land and does not benefit from any other authorised use.

2.8 The 2004 permission was granted subject to a number of conditions. Condition 7 prevents the main barn from being used for any other purpose than that stated. The yard to the west of the main barn is subject to conditions which requires 35 parking spaces to be retained for car parking (condition 3) and prohibits materials being stored outside of the buildings (condition 4). The hours during which work can take place are limited to 0700 – 1900 on weekdays and 0700 – 1300 Saturday mornings (condition 5). Condition 2 of the 2004 permission retains control over a number of factors to do with the use.

3.0 Description of Proposal

3.1 Planning permission is being sought for the change of use of the existing building to purposes falling within Class B8 (storage and distribution) and Class E(g)(iii) (industrial process which can be carried out in a residential area without detriment to the amenity of that area). No external alterations are being proposed to the buildings.

3.2 The application also proposes alterations and improvements to the existing access roads within the site. As part of the improvements, it is proposed to create a new section of track adjacent (to the west) of the existing access road to provide a new footpath and facilitate the diversion of the existing Public Right of Way from the existing access road.

3.3 In addition to the improvements to the access road, it is proposed the existing yard to the west of the main building would be used as a loading area and parking area with additional parking proposed on land directly to the north of TS Tyre Repairs to accommodate 45 cars.

3.4 The proposed hours of operation are Monday to Friday 07:00-19:00 hrs and Saturday 07:00 -13:00hrs.

- 3.5 The application is supported by the following documents:
- Ecological Appraisal (dated August 2023)
 - Transport Statement (dated August 2023)
 - Sound Impact Assessment (dated December 2023)
 - Addendum to Sound Impact Assessment (dated May 2024)

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

DS1: Development in the Countryside

DS2: Development in Strategic Gaps

NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network

NE5: Solent Wader and Brent Goose Sites

TIN1: Sustainable Transport

TIN2: Highway Safety and Road network

D1: High Quality Design and Place Making

D2: Ensuring Good Environmental Conditions

Other Documents:

National Planning Policy Framework (2023) (NPPF)

Fareham Borough Non-Residential Parking Standards Supplementary Planning Document (SPD) (2015)

5.0 Relevant Planning History

- 5.1 The following applications are considered relevant to this application:

P/24/0515/FP Erection of An Agricultural Building with Associated Access Track, Hardstanding and Landscaping (Resubmission Of P/22/1019/FP).

Under consideration

P/22/1019/FP Erection of An Agricultural Building with Associated Access Track, Hardstanding and Landscaping.

Refused April 2023

P/20/0652/CU Use of the site for a mixed use of agricultural storage and wholesale and retail sales of landscaping materials and supplies with ancillary storage, concrete postproduction, car parking and portacabin office, and erection of acoustic fencing.

Refused March 2021.

P/04/1614/CU Change of Use of Part of Main Barn to Storage Use
(Class B8) & Former Farm Workshop to Light Industrial
(Class B1c).
Permitted December 2004.

6.0 Representations

6.1 Seven letters of representation have been received and can be summarised as follows:

- Diversion of a public right of way Fareham 69 should be done through Hampshire County Council Right of Way;
- Details regarding the width and surfacing of the proposed path are unclear;
- There is insufficient detail in the application regarding the proposed re-routing of public footpath;
- Unless there is a hard physical barrier between vehicles and footpath then arrangements would not be safe for users;
- Highway safety concerns regarding junction from Newlands Farm and shared paths;
- Cycle routes in the area are not safe;
- Screening of the existing building is required;
- Boxes would need to be provided ahead of any works for little owls, barn owls and bats that reside in the barn;
- Noise pollution
- Light pollution;
- Potential for expansion of additional commercial units on agricultural land;
- Vacant barn should be used for agricultural purposes.
- Impact on amenity of neighbouring properties in terms of increased noise from light industrial use and increased vehicle movements;
- Disturbance caused by light pollution

6.2 Two further letters of objection (one of which is from a previous objector) have been received following the end of the 21-day consultation period;

- Impact from noise, nuisance and light pollution;
- Inaccurate and unclear plans relating to the Public Right of Way
- Safety concerns relating to the use of the track for HGV movements and impact upon other users of this route.

7.0 Consultee Responses

EXTERNAL

Local Highways Authority (Hampshire County Council)

7.1 No objection

Ecology (Hampshire County Council)

7.2 No objection. Recommend a condition restricting construction works producing noise levels over 69 Db LAF MAX along the southern, eastern and western boundaries of the site shall only be carried out between April and September inclusive and a condition requiring screens to be installed along the western and southern boundary to prevent visual disturbance for wintering birds should works be carried out between October and March.

Countryside Services (Hampshire County Council)

7.3 No objection.

INTERNAL

Environmental Health (Noise and Pollution)

7.4 I am satisfied that the report content is accurate in its assessment of the items measured and in accordance with the estimated movements proposed, namely the use goods vehicles and the use of forklifts to unload the goods vehicles.

7.5 This assessment is indicative of the activities undertaken by a B8 use however it is limited to the specific generic uses as the intended use is not known to the LPA. As such other machinery and equipment such as the use of a JCB and bucket or other noisy machinery and equipment used on site or visiting site have not been assessed and would not be expected to be assessed at this point without the detailed knowledge of the business looking to use the site. I would therefore suggest that a condition similar to that already existing for part of the site, for the LPA to be notified of the intended occupiers, in order that a discussion can be had around any additional noise sources being introduced which may adversely impact neighbouring residential properties so that mitigation where required can be identified ahead of the use commencing.

7.6 The use of traditional reversing alarms, in particular on any forklifts operated directly by any B8 business in residence, may result in additional use around the site other than just the loading and unloading directly of the vehicles arriving. In my experience these can be a significant source of complaint. I would therefore suggest that a condition is added to ensure all vehicles operated directly by the site are fitted with directional white noise reversing sensors to minimise any impact these may have.

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of B1/B8 development in this location;
- b) Development within the Strategic Gap;
- c) Landscape and visual impact;
- d) Impact on living conditions of neighbours
- e) Traffic generation and parking
- f) Impact on the public right of way
- g) Ecology

a) Principle of development

8.2 The application site is located outside the urban area and is recognised within the Local Plan as countryside. Therefore, Policy DS1 of the Fareham Local Plan 2037 which relates to development in the countryside is applicable:

‘Proposals for development in the countryside, which is defined as land outside the Urban Area boundary as shown on the Policies map, will be supported where the proposal:

- a) *Is for development associated with an existing lawful dwelling, or*
- b) *Is proposed on previously developed land and appropriate for the proposed use, or*
- c) *Is for retail, community and leisure facilities, tourism or specialist housing where it can be demonstrated that there is a local need for the facility that cannot be met by existing facilities elsewhere; or*
- d) *Is for a new or replacement building, conversion and/or extension within an existing educational facility (as identified on the Policies map) and would not result in the loss of playing fields and/or sports pitches unless it can be demonstrated that these facilities are no longer required or they can be adequately replaced elsewhere on site or,*
- e) *Is for housing development either allocated or compliant with one of the following policies; HP1, HP2, HP4, HP6 or HP11, or*
- f) *Is for employment development compliant with one of the following policies: E1 or E5, or*
- g) *Is for a new small-scale employment development to convert or extend an existing building, or replace a redundant or derelict structure, or*
- h) *Provides infrastructure that meets an overriding public need. Or*

- i) Can demonstrate a requirement for a location outside of the urban area.*

In addition, proposals will need to demonstrate that they;

- j) Protect and enhance landscapes, sites of biodiversity or geological value and soils, and*
- k) Recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and*
- l) Maintain the character of the undeveloped coast, and*
- m) Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality’.*

8.3 The proposal does not relate to housing, retail, community, leisure or tourism. Nor does it relate to a new or replacement building, conversion and/ or extension within an existing educational facility or replacement to small-scale employment development to convert or extend an existing building or replace a redundant or derelict structure. Furthermore, the development does not provide infrastructure that meets an overriding need or demonstrate a requirement for a location outside of the urban area, meaning the proposed development does not benefit from support by virtue of parts (a), (c), (d), (e), (f), (g), (h) or (i) of the above policy. However, consideration has been given to part (b) of the policy which states development will be supported where the development is proposed on previously developed and appropriate for the proposed use.

8.4 In this instance, the application site forms part of Newlands Farm. The development would predominantly be contained within the site and would largely relate to an existing storage barn and an area of hardstanding. Therefore, it is considered the application site is on previously developed land. Furthermore, having regard to the lawful use of the site permitted by the Council in 2004, the nature of the site means it is suitable for this use. In addition, the site is located in an accessible location within close proximity to the Stubbington By-Pass making it suitable in terms of vehicle movements generated by the use. For these reasons, the land is considered to be appropriate for the use having regard to the wording of part (b) of Policy DS1.

8.5 Having regard to part two of the policy, while parts (l) and (m) are not relevant to this application, for the reasons set out in full later in this report, the proposal is considered to comply with parts (j) and (k) of the policy.

b) Development within the Strategic Gap

8.6 The proposals map of the Fareham Local Plan 2037 shows that the site lies within an area of countryside and is also with a designated Fareham/ Stubbington Strategic Gap.

8.7 Policy DS2 of the Local Plan states:

'In order to prevent the coalescence of urban areas and to maintain the separate identity of settlements, Strategic Gaps are identified as shown on the Policies map between the following areas:

- 1) Fareham / Stubbington and the Western Wards (Meon Gap)*
- 2) Fareham / Bridgemary and Stubbington / Lee-on-the-Solent (Fareham-Stubbington Strategic Gap)*

Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters'.

8.8 The Technical Review of Areas of Special Landscape Quality and Strategic Gaps (2020) which is part of the evidence base for the Fareham Local Plan 2037 states key features of the Fareham- Stubbington Strategic Gap are open and predominantly arable farmland and horticulture with some glasshouses. However, the Technical Review also recognises that some opportunities exist for development to be absorbed within the Strategic Gap, subject to scale and future detailed design.

8.9 In this instance, the proposal relates to the change of use of an existing building. While the proposal would result in the creation of an additional parking area and the widening of an existing access road, the development would be contained within the existing Newlands Farm site which is bound by the Stubbington By-Pass to the north and east and Newlands Farmhouse to the west. The proposal would not encroach further into the open countryside and for these reasons it is considered the proposal would not significantly affect the integrity of the Strategic Gap, in compliance with Policies DS1 and DS2 of the Fareham Local Plan 2037.

c) Landscape and Visual Impact

8.10 Policy DS3 states;

'...Development in the countryside shall recognise the intrinsic character and beauty of the countryside, playing particular regard to intrinsic landscape, character, quality and important features...'

- 8.11 The Fareham Landscape Assessment 2017 (which forms part of the evidence base for the Fareham Local Plan 2037) identifies that the site lies within the Fareham/ Stubbington Gap (07.1a) character area and the landscape character type falls within the Open Coastal Plain typology. The Landscape Assessment goes on to describe the Open Coastal Plan as flat, undeveloped and open in character with weak hedgerow and tree structure.
- 8.12 The assessment goes on to state the introduction of development into the agricultural landscape is likely to have a significant impact on the character and quality of existing rural views unless it can be successfully integrated within a substantial framework of existing or new vegetation. The assessment goes on to state there may be some limited scope for development in areas where such an existing structure of vegetation exists and where views are already affected by urban influences. However, any development would need sensitive siting, design and mitigation to avoid adverse effects on visual amenity.
- 8.13 The development for which permission is sought does not comprise built development, except for the proposed fencing along the public right of way and the creation of the new footpath for that right of way and an additional parking area to the north of the site. The building already exists and its external appearance would be unaltered. The visual implications of the proposal are therefore limited to the footpath, fencing and vehicles in the yard and land north of the yard. The use of the yard for the parking of customer cars would be similar to the permitted 2004 use. The yard itself is enclosed on three sides and, whilst users of the public footpath which cuts through the site would be able to see, the internal workings of the yard would be sufficiently screened so as not to constitute a harmful visual effect more generally. The use of the land north of the yard would be limited to 15 car parking spaces.
- 8.14 Having regard to the above, it is considered that the proposal would not be materially harmful to the intrinsic character and beauty of the countryside and landscape and would comply with Policy DS3 of the Fareham Local Plan 2037.

d) Impact on living conditions of neighbours

- 8.15 Policy D2 of the Fareham Local Plan 2037 relates to the impact of development on environmental conditions. The policy states that development proposals should ensure that there will be no unacceptable adverse impact on neighbouring occupants, adjoining land or the wider environment.

- 8.16 The closest neighbouring property to the proposed development would be Newlands Farmhouse. Newlands Farmhouse lies at the northern end of Stroud Green Lane directly adjacent to the existing yard area in front of (and to the west of) the existing main barn.
- 8.17 The residents living at the farmhouse and the adjoining annexe have objected to the application on a number of grounds including that the use would be harmful to their living conditions primarily as a result of noise and disturbance caused by external lighting.
- 8.18 As set out in paragraphs 2.7-2.8 of this report, the majority of the site (minus a small section of the barn to the far eastern end) currently benefits from planning permission to be used for storage and distribution purposes (Class B8). The occupancy of the barn is controlled by condition; however, this is understood to be primarily to ensure no harm to highway safety and the size, type and frequency of vehicles used are controlled. The use of the yard is currently restricted to the parking of vehicles only.
- 8.19 Planning permission is now being sought for mixed B8 and Class E(g)(iii) light industrial use for the entire barn and without the restrictive occupancy condition imposed on the 2004 planning permission.
- 8.20 During the course of the application, at the request of the Local Planning Authority, the applicant has undertaken a noise impact assessment for the proposed change of use which has taken into consideration activities and vehicles typically associated with B8 use. The nearest sensitive receptor sites were agreed with the Council's Environmental Health Officer and identified as being a first-floor window on the east elevation of Newlands Farmhouse and the most easterly window on the northern elevation of Newlands Farmhouse. The assessment concluded that, for the proposed operation hours, assessment of HGV movements and associated loading/unloading by forklifts to the nearest sensitive receptor has determined sound emissions from the proposed B8 and Class E(g)(iii) use class to be indicative of a low impact.
- 8.21 The Council's Environmental Health Officer has been consulted on the application and, following clarification from the applicant's noise consultant, has raised no objection to the proposal, however, has suggested a number of conditions are imposed. These include a condition requiring details of future occupiers of the unit to be submitted to and agreed by the Local Planning Authority and a second condition requiring all vehicles operated directly by the site to be fitted with directional white noise reversing sensors.
- 8.22 In the absence of any details regarding the intended occupier of the site, it is understood the Environmental Health Officer has suggested the first condition

to enable the Local Planning Authority the opportunity to review the type of machinery being used on the site, particularly in the yard which is adjacent to Newlands Farmhouse.

8.23 Officers have given consideration to the advice provided by the Environmental Health Officer. To help address any residual impacts not accounted for already in the sound impact assessment, a condition restricting the use of the yard to parking and unloading/loading only is recommended. Furthermore, a condition to restrict the operating hours and a condition to require vehicles operating on the site to be fitted with white noise reversing sensors is also recommended. With these conditions imposed, having regard to the conclusions of the noise assessment, it is considered the proposed use would not have an unacceptable, adverse impact in terms of noise on the living conditions of the neighbouring property. For these reasons, a condition requiring details of future occupiers of the unit to be submitted is not considered to be reasonable or necessary, and would not meet the six tests set out in paragraph 55 of the National Planning Policy Framework (2023), since the conditions set out above should adequately control uses taking place in the yard and avoid any residual impacts on the living conditions of neighbours in terms of noise.

8.24 In terms of disturbance caused by external lighting, no external lighting is proposed as part of this application. However, to enable the Local Planning Authority the opportunity to assess the impact of any future lighting, it is recommended a condition is imposed requiring details of any lighting to be submitted and agreed in writing by the Local Planning Authority prior to installation.

8.25 Officers acknowledge the proposed use would result in a change for the occupants of Newlands Farmhouse. However, having regard to the extant planning permission, the conclusions of the Noise Assessment, and subject to the above conditions being imposed, Officers are satisfied the proposed development would not have an unacceptable adverse impact on residential amenity, in accordance with Policy D2 of the Fareham Local Plan 2037.

e) Traffic generation and Parking

8.26 Policy TIN2 of the Fareham Local Plan 2037 states:

'Development will be permitted where:

*a) There is no unacceptable impact on highway safety, and the residual cumulative impact on the road networks is not severe;
and*

b) The impacts on the local and strategic highway network arising from the development itself or the cumulative effects of

development on the network are mitigated through a sequential approach consisting of measures that would avoid/reduce the need to travel, active travel, public transport, and provision of improvements and enhancements to the local network or contributions towards necessary or relevant off-site transport improvement schemes'

- 8.27 The proposed development would be accessed via an existing access leading from the Stubbington By-Pass. As part of the proposal the existing access would be widened to allow two articulated vehicles to pass.
- 8.28 As explained previously in this report, the site currently benefits from planning permission to be used for storage and distribution (Class B8) purposes. It is understood as part of the original 2004 planning application, highway safety concerns were raised in relation to an increase in Heavy Goods Vehicles accessing the site via Stroud Green Lane which at the time was a narrow, rural lane. As a result, a condition was imposed requiring details of future occupants and types of vehicles to be used to be submitted to and approved in writing by the Local Planning Authority. However, access arrangements have changed drastically since the original planning permission was granted in 2004 with the site now being accessible via the Stubbington By-Pass. The Local Highway Authority has been consulted on the application and consider the access to be acceptable.
- 8.29 In terms of additional traffic generation, when calculating the net change a worst-case scenario has been applied in the applicant's transport assessment. Having regard to the lawful B8 use of the site, the proposal could result in up to 73 additional daily vehicle trips including 8 HGV vehicles per 12-hour operational day. However, as noted within the noise assessment, this would equate to less than 1 additional HGV per hour. The Highway Authority consider that the trips generated by the site will not be detrimental to the safety and operation of the local highway network.
- 8.30 In terms of parking provision, the Council's Non-Residential Car Parking Standard SPD requires a mixed Class E(g)(iii) and Class B8 use to provide 1 parking space per 60sqm. The proposed site plan indicated 45 car parking spaces are proposed (all of which would be allocated to the proposed use) and would therefore comply with the Council's Non-Residential Parking Standards.
- 8.31 For the reasons given above, it is considered the proposal would not have a harmful impact on the local and strategic highway network or highway safety and therefore would be in compliance with Policy TIN2 of the Fareham Local Plan 2037.

f) Impact on the Public Right of Way

- 8.32 Policy TIN2 of the Fareham Local Plan 2037 states new development should provide an internal layout that minimises the likelihood of conflict between road users, whether vehicular, pedestrian or cyclist.
- 8.33 The access to Newlands Farm also forms public Footpath 69. The proposal would result in an increase in the number of vehicle movements including HGVs along the public right of way which would increase the risk of pedestrians and users of the public footpath coming into conflict with vehicles. To address this issue, the applicant is proposing to create a new footpath so it runs directly to the west of the existing. The revised footpath would measure 2.5m in width, would consist of crushed Cotswold stone and would be separated from the vehicular access by a 1.2m high post and rail fence. Hampshire County Council's Countryside Services has been consulted on the proposed footpath details and has raised no objection.
- 8.34 The applicant has requested that the Council make an order to formally stop-up and divert the existing footpath. However, this power is available only if the Council as the Local Planning Authority is satisfied that it is necessary to do so in order to allow development to be carried out where it has granted planning permission for that development. As there is no built development taking place on the existing footpath and the right of way will remain available for users to pass and repass once the development has been carried out, it is not considered necessary to stop-up and divert the footpath in order to allow the development to be carried out. Therefore, any formal diversion of the footpath will have to be addressed to Hampshire County Council as the Highways Authority. The grant of planning permission does not authorise the obstruction of an existing right of way.
- 8.35 However, the continued use of the access road as a public footpath would be likely to lead to conflicts between pedestrians and vehicles. In order to address this, a condition is proposed to require the provision of the proposed new footpath prior to the implementation of the change of use and thereafter made available for use by members of the public. Whilst the existing right of way would not be diverted to the new footpath unless and until a formal order has been made, this provision of a suitable alternative footpath is considered to address the likely impact on users of Footpath 69 in compliance with policy TIN2 of the Fareham Local Plan 2037.

g) Ecology

- 8.36 Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network states that development will be permitted where:

- a) Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*
- b) Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*
- c) Proposals do not prejudice the Ecological Network or result in its fragmentation.'*

- 8.37 The application is supported by an Ecological Appraisal prepared by FPCR (dated August 2023 and amended November 2023). As part of the appraisal an extended phase 1 habitat survey, desktop study and internal and external building surveys were conducted. The surveys found the site provides no suitable habitat for hazel dormice, Great Crested Newts (GCN), water vole or reptiles. While the existing buildings were found to have negligible value for roosting bats, a range of common and widespread bats were found to be utilising boundary habitats. In addition, a number of birds notable for their conservation status were recorded occurring in association with the buildings on the site. The report concludes the proposed development is unlikely to adversely affect the conservation status of the local bat population, however, recommends a number of mitigation measures such as bat and bird nest boxes.
- 8.38 While the Ecological Appraisal states no additional lighting is proposed, having regard to the presence of light sensitive and rare bat species, a further condition is recommended requiring a wildlife sensitive lighting scheme to be submitted to and agreed by the Local Planning Authority prior to the installation of any external lighting.
- 8.39 Having regard to the adjacent 'low use' supporting habitat for Brent geese and waders, the submitted appraisal recommends measures to minimise disturbance to these bird during the winter months whilst construction works are ongoing to widen the footpath, install the post and rail fence and create the additional area of car parking. Measures include screens being installed along the southern and western boundaries of the site to avoid visual disturbance and the avoidance of works which are likely to cause significant noise and vibration during the winter months.
- 8.40 The County ecologist has been consulted on the application and has recommended the proposed measures are secured by condition.

Summary

- 8.41 This application relates to a site located outside of the urban boundary where development is supported by Policy DS1 of the Fareham Local Plan 2037 where development is on previously developed land and appropriate for the

proposed use. Having regard to this Officers consider the principle of the development to be acceptable.

8.42 Furthermore, the proposed use, with the imposition of specific relevant conditions, is not considered to have an adverse impact on the amenity of neighbouring residential properties, is acceptable with regard to highway capacity and safety, potential impacts on users of the public footpath and ecology.

8.43 For the reasons given above, the development complies with policies DS1, DS3, D1, D2, NE1 and TIN2 of the Fareham Local Plan 2037 and the aims and objectives of the National Planning Policy Framework.

8.44 Lastly, Members are recommended to authorise the making of a stopping-up and diversion order to formally divert public Footpath 69 in accordance with the proposed plans submitted as part of this application.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following conditions;

1. The development hereby permitted shall begin within 3 years of the date of this decision notice.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

- i) Location Plan 133 CU 01
- ii) Site Plan 133 CU 04B
- iii) Access Road & Public Footpath 133 CU 05B

REASON: To avoid any doubt over what has been permitted.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), the development hereby approved shall only be used for purposes within Class E(g)(iii) and Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

4. Any commercial vehicles used on the site by the occupier of the land in conjunction with the use hereby permitted shall be fitted with directional white noise reversing alarms and those reversing sensors shall be used and retained at all times. No other type of reversing alarms shall be used at any time.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance.

5. No equipment, raw material, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or store on the site at any time except within the buildings.

REASON: In order to ensure that the appearance of the site is not harmful to the character of the area.

6. The use hereby permitted shall not take place outside the hours of 0700-1900 Monday to Friday and 0700-1300 Saturday. No work shall take place on Saturday afternoons, Sundays or Bank Holidays.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance.

7. The external areas of the site shall not be used for any purpose other than for unloading/loading of vehicles as shown within the hatched area and for the parking and turning of cars on Drawing: 133 CU 04 Rev C. None of the development hereby permitted shall be occupied or used until the areas shown on the approved plan for the parking and turning of cars and/or the loading, unloading and manoeuvring of vehicles have been fully laid out and made available for use. These areas shall thereafter be retained and kept available for these purposes at all times.

REASON: In the interests of highway safety; in the interests of the living conditions of neighbours.

8. None of the development hereby approved shall be brought into use until the replacement footpath has been constructed in accordance with details as shown on Drawing:133 CU 05 Rev B. The footpath shall thereafter be retained and kept available for this purpose at all times.

REASON: In the interests of the safety of users of the public footpath.

9. No development shall commence until a scheme for bird boxes, to include but not limited to an owl box, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include drawings or product specification of the boxes and the number and siting of boxes to be installed. The scheme shall follow the recommendations set out in the submitted

Ecological Appraisal (November 2023). The bird boxes shall be installed in accordance with the approved scheme and shall be retained thereafter.

REASON: To ensure the protection of protected species.

10. No external lighting shall be installed until a wildlife-sensitive lighting scheme, to ensure that foraging and commuting bats and other nocturnal wildlife are not disturbed during the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances shall any other external lighting be installed at any time unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To ensure the protection of protected species.

11. Any construction works producing noise levels over 69 dB LAF Max along the southern, eastern and western boundaries of the site shall only be carried out between April and September inclusive.

REASON: To ensure no disturbance of waders using the Solent Waders and Brent Goose Strategy Low Use sites surrounding the application site.

12. Prior to any construction works being carried out between October and March, no development shall take place until details of temporary screening have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a plan of the position, design, materials and type of screens to be installed along the southern and western boundary of the site. The approved screens shall subsequently be retained until the construction works are completed.

REASON: To ensure no disturbance of waders using the Solent Waders and Brent Goose Strategy Low Use sites surrounding the application site.

INFORMATIVE

- a) The applicant is advised that the grant of planning permission does not affect the status of the existing public right of way. The applicant is recommended to contact Hampshire County Council to apply for a formal diversion of the public right of way.

THEN

- 9.2 DELEGATE authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

10.0 *Background Papers*

- 10.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

Newlands Farm Stroud Green Lane, Fareham

