

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	24 th June 2021
Application Number	20/11232/FUL
Site Address	Lime Yard adjacent to Grimstead Road West Grimstead, SP5 3QR
Proposal	Change of Use from storage, processing and distribution of lime to storage, processing and distribution of horticultural products, with the addition of one building.
Applicant	Roffey Brothers
Town/Parish Council	Alderbury Parish Council and Grimstead Parish Council
Electoral Division	Alderbury and Whiteparish – Cllr Richard Britton
Type of application	Change of Use
Case Officer	Lynda King

Reason for the application being considered by Committee

The application has been called to Committee by the Local Member for the following reasons:- The scale of the development, its relationship to adjoining dwellings, the design of the building in terms of bulk, height and general appearance, and its impact on the environment and highways.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved subject to conditions.

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle/retention of rural employment
- Neighbouring Amenity and landscape
- Highway Safety
- Ecology and drainage

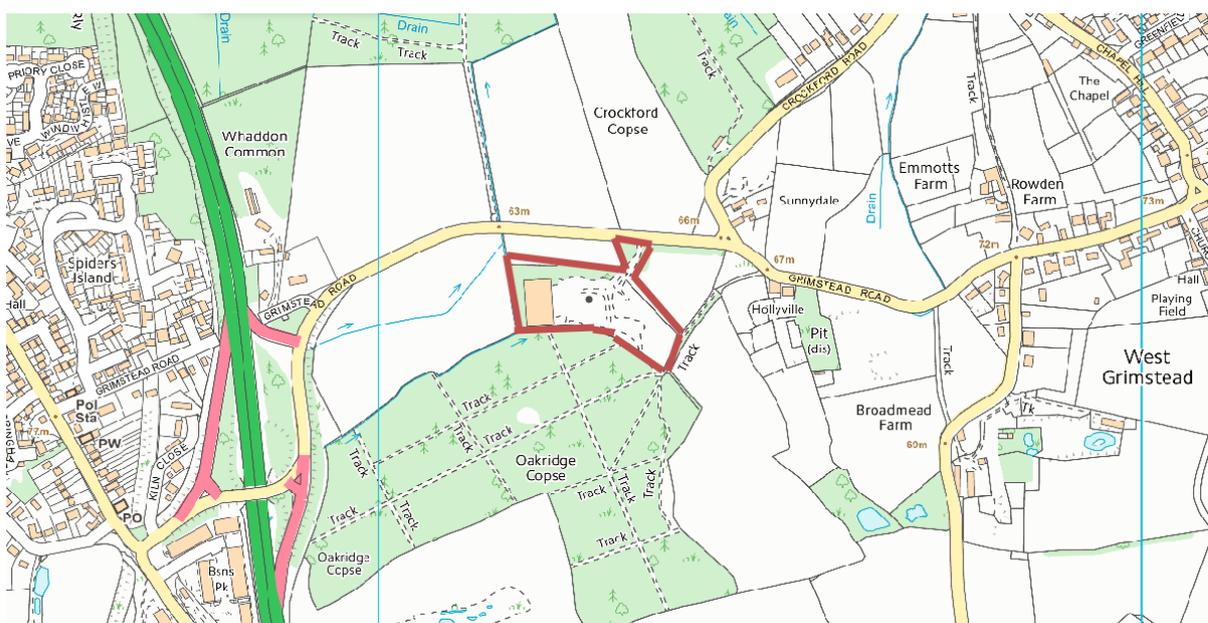
The application has generated an Objection from Grimstead Parish Council; Alderbury Parish Council and 9 letters of objection from third parties.

3. Site Description

The site is a large area of land (1.6ha) in the open countryside near Whaddon and has been in use since 1982. It is very well screened from public vantage points by substantial tree planting and is totally self-contained. Access is served off Grimstead Road, at a point with adequate visibility. It contains a number of open fronted buildings where lime preparation has taken place, as well as substantial areas of open storage where large piles of chalk are stored before being processed. Currently the site houses about 300 tonnes of chalk, none of which is visible from outside the premises. There is also a large (at the time of the site visit) heap of inert builders' rubble which is used to compact the ground and provide a hardstanding for the operations on the site. It would appear that this process has taken place since the use started in the 1980's. The buildings on site are of industrial appearance and are significant in size.

The site is approx. 550m from the A36, which is part of the strategic road network. Access from the site to the main road does not require vehicles to pass through any of the local settlements to reach the highway.

The site plan below shows the location of the application site relative to the villages of West Grimstead and Whaddon. The nearest residential properties are approximately 100m to the north east and 140m to the east of the boundaries of the site, but further removed from the operational area of the site.



4. Relevant Planning History

S/90/0161 – Change of use on part only from agriculture to storage of agricultural machinery used in connection with the established lime spreading business and possible alteration to vehicular access – A/C

S/2000/1242 – To not comply with Condition 4 (Occupancy and restoration) of planning application S/90/0161 – A/C (the effect of this decision is not to require the site to be restored to agriculture in the use ceases)

S/2011/0678 – Change of use to B2/B8 mixed use – R

S/2011/1395 – Change of use to B2/B8 mixed use – R and Appeal dismissed

15/00959/FUL – Use of land as agricultural contractors yard and associated machinery and storage and distribution of hay and other feed stocks – Withdrawn

19/10383/VAR – Relax condition 1 of p.a.S/2000/1242 to allow another operator to use the premises – A/C

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5. The Proposal

This application, which is a Full application, proposes to phase out the lime processing, storage and distribution that has historically taken place on the site and replace it with the processing, storage and distribution of a range of soils to the horticultural and leisure sectors. The applicants currently operate a similar facility on the edge of the New Forest in New Milton.

The proposed new operation will make use of the existing substantial building on the site for part of its operation, and will require another large building to accommodate the bagging and storage of the finished product (with a 18m by 15m approx. footprint). The use is similar in nature to the existing operation in that natural materials are brought onto the site in large quantities, which are then processed into a different material for use in horticulture and leisure uses such as golf courses, and then taken off site for use.

The application states that:-

“The range will include soils from screened and sterilised loam blended with sharp sand and some enhanced organic matter and a variety of different soils and composts, such as for bedding plants and potting, which are used to improve water and fertiliser retention properties of garden and greenhouse soils. Additionally, products for dressing and maintenance of sports fields including cricket pitches, bowling greens and tennis courts. Other products are for planting and mulching and are designed specifically, for example, for growing plants in containers or for trees and shrubs.

Processing

3.3 The soil must be sterilised to produce a healthy growing medium excluding pathogenic bacteria, seeds, larvae etc. This is achieved by heating in a rotary drum. The soil drying process is fed by means of a wheeled shovel loader which drops unprocessed material in to feed hopper, which drops on to a conveyor. The conveyor transports the feed stock to the dryer unit which is a large, cylindrical, rotating drum. The output of the dryer is then fed on to another conveyor which transports the product to various points to be graded and deposited.

3.4 The heat is provided by a gas fired boiler, which has an associated external gas tank. The process is an environmentally friendly method of disinfecting all types of growing media. It protects the natural biological balance of the growing medium and doesn't leave any toxic residue in the soil and anything grown in it will benefit from improved yield and quality.

3.5 The dryer will be operated in a building which will also contain a number of bays for the storage of materials and a production screen. This separates the materials according to size with smaller elements being separated first and oversized residuals being dropped at the end. A small fork lift and two loaders will move material on site and load the lorries.

3.6 An external bay 6mx10m, with concrete base and sleeper walls is proposed for external sand storage. A mobile outside the building will have a three-sided enclosure constructed of concrete blocks will also act as a ramp for its loading as well as an acoustic barrier.

Storage

The products are bagged for wholesale, not directly to the public, normally either 25kg bags on pallets or 1 tonne bags are used as they can easily be transferred onto vehicles for removal in site. Where feasible storage of the products will be within the buildings to maintain quality.

External storage of the incoming materials will replicate the lime storage on site.

3.8 The only change to the site will be the addition of a 20m x40m building, 4.5m to the eaves which will accommodate the bagging operation and stores. The building design and location can be seen on drawings accompanying this application and it has been designed and sited to reduce any impact in the wider landscape.

Import and Export

3.9 Currently the site imports limestone and exports lime for agricultural benefit. The proposed change of use will import soils and washed sands. A small percentage of organic matter, such as tree bark and other additives such as fertiliser will also be included.

3.10 The existing wheel-wash and weighbridge on site will be refurbished and brought into use. All vehicles exiting the yard will be instructed to clean their wheels if necessary, to prevent track out onto the road. The existing access will be used.

3.11 The products are utilised by a range of sectors, primarily horticulture and leisure, therefore the proximity to the A36 is beneficial for the export and import. The export will be primarily bagged products, although a unbagged load could be sold if the order was sufficiently large.

Employment

3.12 The process will employ 4 or 5 people directly and indirectly support others through the supply of raw materials and distribution of the products. These will all be new jobs.

3.13 The facilities on site will be upgraded with a new portacabin type building that will provide an office and a mess/canteen for the staff."

The information submitted in support of the application goes on to state that:

"The proposal will not require any significant changes to the yard, with the additional store being of a scale that doesn't materially change the nature of the site when considered against the buildings already within it. Primarily there will be refurbishment of the facilities and improvement of infrastructure, such as the wheel-wash and weighbridge. The existing open space and buildings will be utilised for the processing equipment and storage as noted above, in a very similar way to the lime business has been using it for decades."

"The processing hours for the soils are 07.00-18.00 Mon-Fri and 07.00-13.00 Saturdays.

Downward facing lighting will be used only when necessary and only whilst staff are on site."

"The nature of the materials stored outside means that they will be naturally damp and dust is not expected to arise, although will be managed if it should. A dust management system is fitted in the process building.

4.15 The site will manage ~45,000 tonnes of material per year and whenever possible the imported material will be brought in on the same vehicle that will be exporting the product for delivery giving an average of 10 trucks per day, or around one per operational hour. A vehicle will be parked at the site to reduce unnecessary movements to and from the site at the beginning and end of each day.

4.16 The nature of the business is such that it is expected that, unless delivering locally, trucks associated with this proposal will not turn right towards West Grimstead. Access to the strategic road network is in close proximity. Within the site there is adequate room for internal parking and turning of vehicles.

4.17 No changes to site drainage methods are proposed. Surface water is directed to the water capture pit (see site layout plan). The water then soaks away to ground. Any overflow is directed into a drainage sump in the north west corner, this also soaks away to ground."

Clarification about the exact nature of the surface water disposal and any foul drainage has been sought and the agent has commented as follows:

The surface water drainage is not likely to include anything which could be a risk, fuel tanks will be bunded, spill kits are part of normal practice on most sites now. The drainage proposals include two catchment pits that not only act as soakaways, but also collect any suspended soils and settle them out. The soils are simply natural materials as found on surrounding land and probably considerably less risky than limestone which has a high pH.

With regards to foul drainage, in the first instance a portaloo will be provided, they are regularly changed on a contract from the provider, in the longer term the opportunities for alternative such as connection to the sewer or installation of a septic tank could be considered.

Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

NPPF - Paragraph 11 sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Paragraphs 83 and 84 – supporting a prosperous rural economy, with particular reference to para 83 (b) which allows for the development and diversification of agricultural and other land based rural businesses.

Wiltshire Core Strategy:

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP3 - Infrastructure Requirements

CP34 – Additional employment land

CP 35 – Existing employment Sites

CP48 (Supporting Rural Life)

CP50 (Biodiversity and Geodiversity)

CP51 (Landscape)

CP57 (Ensuring High Quality Design & Space Shaping)

CP60 (Sustainable Transport)

CP61 (Transport & Development)

CP62 (Development Impacts on the Transport Network)

CP64 (Demand Management)

Salisbury District Local Plan policies (saved by Wiltshire Core Strategy)

E19 – Rural Employment Sites.

C6 – Special Landscape Area

6. Summary of consultation responses

Grimstead Parish Council – Objection

When the original permission was granted the main condition was that if the site ceased for lime production it would revert to agriculture. Increase in traffic would be detrimental to highway safety, noise nuisance to nearby dwellings, and potential detrimental impact on the wildlife habitat.

Comments on amended plans awaited

Alderbury Parish Council – Objection

The application represents an over intensification of the uses of the site that will have a detrimental impact on the environment and local community.

The nature of the operation will give rise to noise, pollution with adverse environmental impacts including possible contamination of watercourses.

The traffic generated by the development will have a detrimental impact on highway safety by virtue of HGV movements on substandard village roads.

Comments on amended plans:

Reiterate previous objection and add concerns that the application is being treated as a brown field development when the previous planning permission required the land to be returned to agriculture when the use ceased.

WC Highways – No objection.

The advantage of the site in this particular location is the proximity to the A36 trunk road. Other than possibly for local deliveries, there is no reason why HGVs would travel through Grimstead and the surrounding villages, this would not be a desirable route for HGVs. There is a weight restriction on Windwhistle Lane which is clearly signed from the A36 and allows enforcement action to be taken if necessary. The typical size of vehicles accessing the site would exceed the weight limit. There is also a height restriction at the railway bridge to the north-east of the site and beyond at Dean Road.

The HGV movements equate to around 2 per hour which is not considered to be significant and it is likely that the same truck will be used for both importing and exporting for efficiency reasons.

Given the weight and height restrictions in place on the local roads and the nature of the rural village roads as an undesirable route for HGVs, together with the proximity of the A36, I do not wish to object to this proposal.

I suggest a condition is applied requiring the provision of a fully functioning wheel-wash facility prior to first use of the site.

WC Public Protection – No objection subject to conditions

WC Ecology – Informal Comments on revised plans/report - No objection to the current development proposal. The consultant ecologists have taken on board the issues that were raised at the time, with subsequent alteration to the planned layout to ensure protection of the Ancient Woodland Priority Habitat on the southern boundary. I am happy that sufficient

regard to biodiversity has been exercised (Formalised comments and conditions will be available at Committee)

7. Publicity

This application was advertised through a site notice. 9 letters of objection were received raising the following issues:

- Previous similar applications have been refused on the site, and the original objections still stand
- The planning conditions on the previous use as a lime yard require the land to revert to agriculture on this use ceasing – this will result in the loss of agricultural land if not adhered to
- The application states that this will be a horticultural use, but surely it is an industrial operation?
- Insufficient information about the details of the application, such as surfacing of the yard, and staff facilities etc
- Impact on the amenities of local residents by way of noise and disturbance, dust from the site and traffic generation. The use of the site in recent times has been dormant and the previous level of noise and disturbance has almost ceased.
- Hours of operation are excessive in this rural location and will impact on the residential amenity of nearby residents.
- Significant concerns about the impact of a greater number of HGVs using the rural lanes, and the physical damage to the highways that are likely as well as highway safety to other road users.
- Concerns that the wheel wash won't be used properly (as was previously the case) with resultant debris over the highway
- The site is adjacent to an area of wildlife importance and there are concerns about the impact of the development on the ecology and biodiversity in the area.
- Lack of detail about facilities on the site, including staff restrooms, drainage, surfacing etc.
- Concerns about dust being produced from the site which will affect neighbours
- The new building is excessive in this rural location
- Concerns about the need for security at the site, with possible light pollution and additional staff on site at all hours adding to the impacts on local residents.

8. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

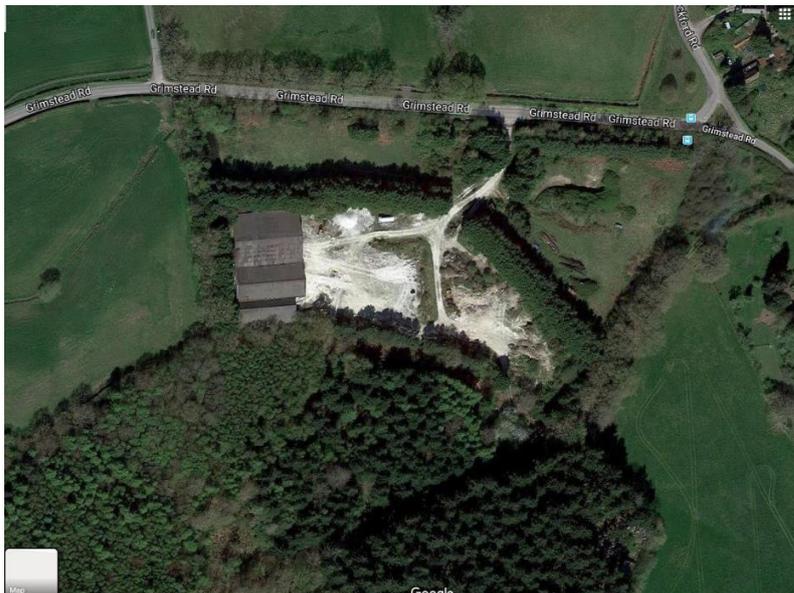
8.1 Principle of development and retention of rural employment

related to the very large buildings which currently exist on the site. The building will be used for the bagging of the finished products and their storage. It has roller shutter doors which can be kept shut during the production process. Other proposals on the site are relatively small in scale, such as the open sided storage area for sand and a portacabin and portaloos for the staff facilities.

It is accepted that the current level of operation of the lime business has decreased over recent years and that there has been little activity or vehicle movements associated with that use. However the 2019 application to allow another operator to use the site does show an indication that the site could be back to production. It should be noted that the site has the appearance of an industrial operation, with large buildings on one side, large areas of stored material within the site and substantial pieces of machinery associated with the lime production. The site currently looks like this:



The aerial photograph (google maps) of the site in 2019 is as follows;



Recent planning history

A previous application S/2011/1395/FUL for the change of use to B2 and B8 use was refused for the following reason:

The 1.6 ha application site lies within a remote countryside location characterised by open farmland, woodland and scattered residential properties; the site and its wider surroundings are designated as a Special Landscape Area. Access to the site is via country lanes, which from the east direction are narrow and windy in places, passing residential properties. The site is presently occupied by a single use comprising an agricultural lime yard where lime is imported, processed (including drying and crushing), and exported. The larger part of the existing use is heaped storage of the lime in both un-processed and processed form on both open and covered parts of the site.

The proposal, which is to allow largely unrestricted Class B2 and Class B8 uses on different parts of the site, would, by reason of the un-specified (but potentially significant) scale of the new development, the unknown (but potentially significant) levels of activity associated with the new development (including in terms of traffic generation on the entire surrounding country lane network), the unknown (but potentially significant) affects of other environmental considerations (including visual impact), and the affects on wildlife interests, would have a detrimental impact on both the amenities of the countryside and the amenities of residents within the locality. This is contrary to Policies G2, C2 and C6 of the Salisbury District Local Plan 2003, and the aims and objectives of PPS7.

This application was subsequently dismissed at appeal (decision attached in full), on the grounds of being detrimental to highway safety and the amenities of residents of a significant B2 and B8 development where there were few proposals to mitigate the impact on the local community or the highway network, or little information as to the nature and scale of the development proposed. The Inspector did, however, state that the existing use was an existing employment use and both local and national planning policies encourage the re-use of such sites in rural areas for employment purposes. It is considered that this previously refused scheme is somewhat different to this current proposal in that the proposed use has been explained in some detail by the applicant (as above), whereas the previously refused scheme was speculative, and provided very generic and limited information which made it difficult to assess its impacts or control the use via planning conditions.

A more recent 2019 permission was approved for the site (which simply adjusted previous conditions from the 1990 and 2000 consents) which imposed the following conditions:

- 1 Upon the company (currently David Lush & Son) or any other subsequent users

ceasing to operate the land in connection with a liming business for a period of one year, the land shall be restored in accordance with a submitted scheme (to include timing of such works and planting) that has been submitted to, and approved in writing by, the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain control over the development.

- 2 *The site shall be used for the parking and storage of agricultural machinery and materials used in connection with an agricultural lime spreading business only and for no other purposes whatsoever (including any other purposes within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment.*

REASON: To enable the Local Planning Authority to retain control over the development.

- 3 *Notwithstanding the provisions of Class A of Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Orders 1977 - 83 and subsequent enactments, there shall be no erection of any structures within the site unless otherwise agreed by the Local Planning Authority upon the submission of a planning application in that behalf.*

REASON: To enable the Local Planning Authority to retain planning control over the development in the interests of visual amenity.

As a consequence, there are currently no hours of operation or other limiting conditions in respect of matters such as noise attenuation on the existing planning permissions for the use of the site, which could therefore re-commence at any time and give rise to substantially more activity than is currently present on the site. This proposal may therefore offer an opportunity to impose some additional restrictions on the use of the site which might benefit amenity.

The current proposal is an activity which requires a significant area of land and buildings on which to operate, due to the volume of materials involved. The application site would allow for the level of activity proposed to be carried on within the existing confines of the land, which as can be seen from the photographs above, is surrounded by a substantial belt of conifers and mixed woodland.

It therefore needs to be considered if the current proposal is an acceptable alternative use in this rural location.

Paragraphs 83 and 84 of the NPPF specifically seek to support a prosperous rural economy, with particular reference to para 83 (b) which allows for the development and diversification of agricultural and other land based rural businesses. Whilst this proposal

is a change from an agricultural related process to a horticulturally based business rather than full farm diversification, it still will support a new business in a rural area.

Policy CP1 of the Wiltshire The Core Strategy classifies West Grimstead as a small village for which there has been no defined boundary and notes at para 4.16 that some modest development may be appropriate if it contributes to a rural community. Policy CP2 notes that proposal for small villages will be supported where they provide employment, but respect the existing character and form of the settlement, don't impose development in a sensitive landscape or consolidate settlement. The change of use at this site does not change the settlement, it does not impose on a sensitive landscape but it does have the potential to provide rural employment opportunities.

Core Policy 3 aims additional employment land and to support the rural way of life through the promotion of appropriate diversification of the rural economy. Specifically, it states: *Outside the Principal Settlements, Market Towns and Local Service Centres, developments will be supported that:..... iii. are for new and existing rural based businesses within or adjacent to Large and Small Villages.*

Core Policy 35 seeks to retain existing employment sites, which this site is as previously developed land. However, this policy is largely aimed at Principal Employment sites, and those employment sites associated with larger settlements. Core Policy 34 is considered to be more relevant. This relates to employment outside the larger settlement, and supports employment uses subject to a number of criteria. In this case, the current proposal is considered to meet the aims of many of the criterion of that policy. Also of relevance is a saved policy from the Salisbury Local Plan E19 Employment in the countryside. This states:

Proposals to redevelop or enlarge existing sites will be permitted within the boundaries of the site if the following criteria are met.

- i. The proposal would result in improved local employment opportunities;*
- ii. the proposal will improve the operational efficiency of the enterprise;*
- iii. there is no suitable alternative building in the immediate locality;*
- iv. there is no adverse impact on the character of the surrounding landscape or biodiversity;*
- v. there is no unacceptable increase in vehicular traffic or additional reliance on the private car;*
- vi. the environment of any nearby dwellings will not be adversely affected.*

Summary

It can be argued that the current proposal meets the above criteria in that it will result in additional employment opportunities as the jobs to be created on this site are all new, the site will operate in a more efficient way than at present, there are no similar facilities in the locality for this type of use, this is a fairly unique site, there will be no adverse impact on the surrounding landscape as the site is currently very well screened, and the scheme has been amended to not impact on the biodiversity in the vicinity. The Highways authority do not object to the scheme on traffic generation grounds and the Environmental Health Officer has no objections, subject to conditions, to the scheme as

having an adverse impact on the amenities of nearby residents. The Council's ecologist also has no objections subject to conditions. A refusal based on the principle of this use would therefore be difficult to justify.

8.2 Neighbouring Amenity and landscape

There have been a number of concerns expressed by third parties about the use of this site. There are existing dwellings to the north and north east of the site. The settlements of West Grimstead and Alderbury are to the north and south respectively.

The application was accompanied by a full Noise Impact Assessment which considered the impacts of the proposed operation on the nearest neighbouring properties.

These operations include soil drying, screening and grading. It is suggested that the various activities on the site would not typically occur for 100% of the proposed operational hours, and that the activities would typically only occur for a few days at a time. Most of the activities would be undertaken within a building: the soil drying and production screening would take place within the existing buildings at the western part of site. Bagging and storage of bagged products would take place in the new building.

Paragraphs 170 and 180 of the NPPF are relevant to this application, and state as follows:

"170 Planning policies and decisions should contribute to and enhance the natural and local environment by:

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability....."

"180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason..."

The Council's Senior Environmental Health Officer considered the submission from the applicants, and sought clarification of a couple of matters with respect to the noise bund, dust management, and drainage plans. Once these matters were clarified and the submitted plans amended to indicate the additional information, no objection was raised to the application subject to a number of conditions to be attached to any grant of permission to cover hours of operation, the construction and retention of the noise bund, that the doors on the bagging barn are to be kept shut when operations are taking place inside, controlling the level of noise from the site and no work on Sundays or Bank Holidays.

It is therefore suggested that the legitimate concerns of local residents and the Parish Councils with respect to noise and disturbance are dealt with if the conditions suggested are attached to any grant of permission, and are adhered to. Officers again stress that limited conditions are imposed on the current permission for the site, and hence, the

imposition of such additional conditions would tend to be an improvement over the current consent in terms of amenity protection.

The site is not visible from the public highway or from any local resident's garden, and there are no public rights of way in the vicinity of the site. Therefore the scheme will not have a visual impact on any local resident.

The general aims of policy CP57 would therefore be met.

Landscape

The current historic consent on site contains condition 01 (as above), which requests that the site be re-landscaped when the use ceases. Whilst understandable, this site and its use has now been ongoing for a number of decades, and it seems unlikely that any owner would allow the use to be abandoned in a manner which would trigger the re-landscaping requirements of condition 01. Thus, it is officers advice that this proposal be used to impose restrictive conditions on the use of the site.

Because of this well screened location, whilst the site is located within the open countryside of the Special Landscape Area, the proposal being considered would be unlikely to have any further impact on the landscape than the established use of the site, even taking into account the proposed building. Unlikely the existing consent, a landscaping condition can be imposed which aims to retain the established mature planting around the boundaries of the site (where in the applicants ownership). As a result, it is considered that the proposal would not have an adverse impact on the landscape, in accordance with the aims of policy CP51 and saved policy C6.

As a result, particular as conditions can be imposed which would improve upon the level of protection provided to amenity, it is considered that a refusal of the proposal on amenity and landscape impact grounds would be difficult to justify.

8.3 Highway safety

The Highways Officer required additional information from the applicant in order to fully appreciate the impacts of the proposal on the highway network and on highway safety in the area.

The questions related to the number of vehicle movements per hour, the nature of the vehicles being used, how the level of usage compared with the existing use of the site, whether any other vehicles other than the HGVs will be visiting the site and what route the vehicles will use to access the premises. On the basis of the information received the Highways Officer made the following comment on the application:

The advantage of the site in this particular location is the proximity to the A36 trunk road. Other than possibly for local deliveries, there is no reason why HGVs would travel through Grimstead and the surrounding villages, this would not be a desirable route for HGVs. There is a weight restriction on Windwhistle Lane which is clearly signed from the A36 and allows enforcement action to be taken if necessary. The typical size of vehicles accessing the site would exceed the weight limit. There is also a height restriction at the railway bridge to the north-east of the site and beyond at Dean Road.

The HGV movements equate to around 2 per hour which is not considered to be significant and it is likely that the same truck will be used for both importing and exporting for efficiency reasons.

Given the weight and height restrictions in place on the local roads and the nature of the rural village roads as an undesirable route for HGVs, together with the proximity of the A36, I do not wish to object to this proposal.

I suggest a condition is applied requiring the provision of a fully functioning wheel-wash facility prior to first use of the site.

The concerns of local residents and the two adjacent Parish Councils are addressed by the Highways Officers comments on the application and with the necessary condition regarding the wheel washing facility it is considered that the proposal will not give rise to a problem with highway safety. The refusal of this scheme on highway safety grounds may therefore be difficult to justify.

Members will be aware that the appended 2011 appeal decision went against a similarly positive response from the Council's Highways officer, and refused the 2011 scheme partly on highways grounds. It is however noted that this appeal decision was based on the very limited information the Inspector had before him at the time regards the 2011 proposal for an undefined B2/B8 use of the site. The Council's Highways officer is fully aware of the 2011 appeal decision and its conclusions regards the local highway impacts of that scheme. However, the Highways officer has confirmed that she maintains her comments regards this current proposal.

8.4 Ecology and drainage impacts

The Council's Ecologist commented on the application that insufficient information had been submitted to consider the impacts of the proposal on the adjacent County Wildlife Site and Ancient Woodland which is Priority Habitat Deciduous Woodland, the River Test Special Area of Conservation (SAC) and the New Forest Recreational buffers. They also considered that the new building would be too close to the edge of the woodland.

Amended plans have been received which show the new building moved further from the boundary and an ecological appraisal has been submitted. The Ecologist's informal comments on the additional information are that a reasonably comprehensive assessment of the site has been undertaken and that mitigation relative to the size and nature of the development and to the ecology of the site is proposed.

The final comments of the Ecologist will be reported to Committee, along with any proposed conditions to be added to the grant of planning permission.

However, the applicants clarification about there being no foul drainage from the site is important as the site lies within the River Test catchment area where Natural England have concerns about additional levels of nitrates entering into the system, leading to adverse impacts on the water quality of sites protected under the Habitats Regulations. If the site were to be connected to the sewer system, or was proposing another method

of foul water disposal, then the development would be required to demonstrate that it was nitrate neutral, but that is not the situation as it stands.

9. Conclusion (The Planning Balance)

The concerns of the third parties have been fully considered, as has the outcome of the previous Inspectors decision.

This planning application proposes the change of use of a site with an existing commercial planning permission that has evolved out of an agricultural enterprise, but which currently has few limitations on its level of usage other than the site should be restored if the use ceases. This proposal therefore offers an opportunity to better restrict the operations carried out on this site, whilst providing a continued employment use in compliance with the aims of Core Policy 34 and saved policy E19 in particular.

In officers opinion there would be no more impact on the wider landscape of the countryside than the existing historic use. The Council's Highways, Environmental Health, and Ecology team are content that the development will not have an adverse impact on the amenities of the surrounding area, will not cause a highway danger or impact on ecology. Consequently, the scheme will not have an adverse impact on the biodiversity of the area, subject to necessary conditions. As a result, a refusal of this scheme based on those matters would be difficult to justify. The proposal would therefore comply with other Council policies such as CP 50,51,52, 57.

It is therefore concluded that the proposal complies with both local and national policy in that it seeks to re-use an existing rural employment site without having an adverse impact on the local environment to provide for a rural enterprise.

RECOMMENDATION: APPROVE, subject to the following conditions:

1) Full Planning Permission – commencement in 3 years

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2) Approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Layout Plan – Drawing No. WG-SITELAYOUT dated 26.08.20 received on 13th May 2021

Proposed Ground Floor Plan, elevations and perspectives – received 13th May 2021.

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

3) Approval of materials

No development shall commence on site above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4) Details of staff canteen/office

The development hereby permitted shall not be brought into use unless and until details of the staff canteen/office building have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of visual amenity and the character and appearance of the area.

5) RESTRICT TO (SPECIFIED) USE

The site shall be used for the storage, processing and distribution of horticultural products only and for no other purpose (including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

6) The proposed toilet facilities shall not be connected to the foul sewer or any other means of disposal of sewerage other than a temporary structure which is to be emptied on a regular basis by an approved contractor.

REASON: to ensure that no additional nitrates enters the River Test SAC catchment area.

7) Details of external lighting

No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and

approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area, including the biodiversity of the area, and to minimise unnecessary light spillage above and outside the development site.

8) Prior to the first use of the operation hereby approved, a fully -functioning wheel wash facility shall be provided, and shall thereafter be retained in full working order.

REASON: To ensure that no debris from the site enter onto the public highway, in the interests of highway safety.

9) The use hereby permitted shall only take place between the hours of 07:00 in the morning and 18:00 in the evening. from Mondays to Fridays and between 07:00 and 13:00 on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays

Reason: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

10) Before the use hereby approved is brought into use the 30m long 3m high sound attenuation bund located in the position identified on the approved site layout plan shall be constructed and maintained in that position in perpetuity.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

11) Dust management will be carried out at all times in accordance with the Dust Management Strategy Plan v1.0 dated 09.02.2021.

REASON: To ensure the creation/retention of an environment free from intrusive levels of dust in the interests of the amenity of the area.

12) The roller shutter doors to the bagging barn will remain closed at all times when operations are taking place inside.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

13) The site shall be designed and operated so that the rated level of noise from the site shall not exceed 1dB above background (LA90) at the boundary of the nearest residential noise-sensitive receptors when assessed in accordance with the methods of BS4142:2014+A12019. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

14) No construction or demolition work shall take place on Sundays or Public Holidays or

outside of the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

15) No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

16) The established existing planting/landscaping around the perimeter of the site (within the red line of the application) shall be retained in perpetuity. If within 10 years of this consent, the existing landscaping/planting dies or is otherwise removed, a scheme of replanting shall be submitted to the Local Planning Authority, and replanting shall be carried out in accordance with the agreed scheme.

REASON: In the interests of visual amenity to screen the site from the surrounding landscape.

17) Any additional conditions proposed by Ecology.