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Our ref: CLN_HM

01 December 2022

Attn Rachael Morris

Dear Rachael,

**Planning Permission Ref: F/18/83945-Chalcroft Business Park
Section 73 Application to amend Conditions 1 and 4 to revise building height parameter for outline consent**

Planning Portal reference PP-11729905

This letter accompanies an application under Section 73 to amend two conditions imposed on the above planning permission. This letter forms the planning statement in support of the application, which is also accompanied by the same application red line plan, a revised development platform plan and further illustrative material (Appendices A – C).

The application is submitted via the planning Portal and attracts an application fee of £234 plus a portal service charge of £32.20.

Background

Planning Permission Ref: F/18/83945 was granted on 12th March 2020. The approved description of development is as follows:

Hybrid Planning Application consisting of:

- 1. Full Planning Application for the construction of a two storey industrial building for a commercial butchery (2,064 m2 of Use Class B1(c)), development of 767m2 of B1b/B1c floorspace (including a first floor extension to the existing security building), construction of a cafe and site maintenance store and the demolition of building 17 and a water tank; and*
- 2. Outline Planning Application for the demolition of Units 10 -15 (1,860m2 of Commercial floorspace), and store building and the development of 6,420m2 of B1b, B1c, B2 and B8 storage and distribution floorspace (All matters other than access reserved).*



The application relates to land at the Chalcroft Business Park, Burnetts Lane, West End.

The full element of the hybrid planning application has been successfully implemented by the construction of the commercial butchery building, which has now been completed. To date, no reserved matters application has been submitted against the outline element of the permission. Condition 3 provides that application for the approval of reserved matters shall be made within 3 years of the date of the permission (i.e. by 12th March 2023).

The Conditions

This application addresses the provisions of Conditions 1 and 4.

Condition 1 requires that the development shall be implemented in accordance with an approved list of plans, which includes drawing 2003 PLRevF.

Additionally, Condition 4 states as follows:

The development of Phase 2 (the outline phase subject to further reserved matters approval) shall be in accordance with the use, layout, scale and design principles set out in the submitted Design and Access Statement Addendum (1.8.19) and Site Plan – Outline Application ref CBP-BSL-ZZ-XX-DR-A-2003-PL-F.

Reason: To ensure design continuity and parameter compliance for the development as a whole

Drawing CBP-BSL-ZZ-XX-DR-A-2003-PLF is titled 'Site Plan – Outline Application'. It identifies two development platforms. The key to the drawing provides plot parameters for each. The Design & Access Addendum simply refers to the introduction of that drawing.

The Section 73 application seeks amendments to the conditions to substitute a new drawing (ref: CBP-BSL-ZZ-XX-DR-A-2006-PL). This drawing shows a revised development platform and associated plot perimeters.

Planning History

When application F/18/83945 was originally submitted, it was accompanied by a masterplan which distinguished the outline and full application areas. Illustrative sketch plans of a pair of commercial buildings (then identified as 2L and 2K) were submitted. The layout was subsequently revised when the application was amended to accommodate the proposed commercial butchery. This necessitated the reconfiguration of the area referred to on the approved drawing as development platform 1, while platform 2 (units 2L and 2K) were unaffected.

Shortly before the first of two Officer Reports to Committee were prepared, the Case Officer wrote to seek assurance that the ridge height of the proposal would not exceed the height of the adjacent tree screen. The parameter drawing had indicated that buildings on development platform 1 would be limited to 12m to haunch. The Case Officer suggested 15m as a ridge height limit and this was agreed in principle and referenced in the Committee Reports. However, no restriction by condition was added to the grant, to that effect.

At the time the request was made, the owners did not have a particular class of occupier in mind for Phase 2 of the site (hence the outline element of the application). In the absence of any specific occupier requirement

at the time for a building with greater clearance than 12m to haunch (and 15m to ridge) this request was exceeded to.

The background to the Officer's concern was the potential visibility of a building ridge higher than the tree canopy, from the (then) planned Bubb Lane/Burnetts Lane link road.

Changed Circumstances

Since the determination of the application in March 2020, the planning context has changed in the following ways:

1. Adoption of Eastleigh Borough Local Plan

In 2022, Eastleigh Borough Council formally adopted their Local Plan. The application site is now subject to a development plan policy which supports redevelopment for commercial policies as follows:

Proposals for the alteration, extension, change of use or redevelopment of existing land and buildings within the Chalcroft Business Park (as defined on the policies map) for class B2, B8 and E(g)(ii)/(iii) uses will be permitted if all of the following criteria are met:

- a. in accordance with the sequential approach, major office development (use class E(g)(i)) (greater than 1,000 sq.m gross) will only be supported if there are no suitable, available or viable alternative sites available in either Eastleigh town centre, the wider Eastleigh urban renaissance quarter, at Eastleigh River Side, (Southampton Airport) or in district and local centres;*
- b. a new road is built as shown on the policies map to serve the Chalcroft Business Park and the new development west of Horton Heath; and*
- c. development would not adversely affect the adjoining Round Copse or Chalcroft Business Park sites of importance for nature conservation.*

A site level Habitats Regulation Assessment is required to demonstrate how this site will be delivered without adverse effect on any European site.

The explanatory text accompanying the policy notes that the development of neighbouring land at Chalcroft Farm presents the opportunity to change the relationship between the Chalcroft Business Park and its immediate environs, enabling a more intensive redevelopment of the site (6.5.48).

The proposal to amend the terms of the outline element of the permission as proposed would not compromise any aspect of the adopted policy and should be supported given the favourable status of the site to support commercial development.

2. Construction of Link Road

The Bubb Lane/Burnetts Lane link road is now complete and open to traffic.

As the adopted Local Plan notes:

The purpose of the new road link was to enable the intensification of the existing employment uses at Chalcroft Business Park and the development of more employment uses in this location. (6.1.39)

Appendix A is a suite of photographs taken from the link road, in so far as it provides views towards the Business Park.

It is noteworthy that the vertical and horizontal alignment of the link road, together with the acoustic treatment along its southern boundary at its western end, limits views of Chalcroft Business Park. Indeed, the photographs demonstrate that the most visible part of the Park are the existing units on its southern side. The images demonstrate that the existing trees forming Round Copse provides an effective screen to the units on the northern side of the Park.

The other relevant point to note is that the intervening land in the foreground of the images in the suite of photographs is consented for employment development.

3. Construction of Commercial Butchery

The implementation of the first element of planning permission F/18/83945 has introduced significant new built form at the Business Park for the first time in a number of years. While this unit has been constructed at 12m to ridge, it was sited on an elevated platform formed in part by previous excavations. Thus, finished floor levels in the unit are higher than all other existing Business Park units. A grass bank separates the new building from the area subject to outline planning permission. Thus the relative heights of new units in the outline area will be experienced relative to the established ridge height of the butchery. This provides a changed context for assessment.

Although there were concerns in the original officer's report that the butchery would be "clearly visible", the gable end of the building is only just visible through the existing trees in some of the photographs at Appendix A. The ridge sits significantly lower than the tree canopy. The canopy of trees forming the Chalcroft SINC behind, are visible as a backcloth, above the ridge of the new building. It is noteworthy that these are winter images with little leaf cover.

Once the intervening land is developed, it is unlikely that the commercial butchery building will be visible at all from the link road behind intervening buildings, and likewise new buildings provided in accordance with the revised development platform will be similarly screened.

These factors are all material to the assessment of the merits of this application.

Other Considerations

One of the reasons why the applicants welcome the recently adopted policy for the Business Park is because it's building stock (which consists primarily of north-lit brick and steel buildings dating from the late 1950s) is becoming increasingly outdated. The owners are keen to bring about investment in the site as demonstrated by the delivery of the new butchery, a rare commercial project delivered during the pandemic.

From enquiries received from existing tenants and potential new ones, it is apparent that for distribution users in particular, clear height to eaves/haunch is of key importance as is an absence of internal obstructions such as supporting walls or posts.

The applicant considers that it would be able to deliver buildings for occupation to meet that need but requires a clear 14m to haunch in order to achieve that. This is 2m higher than the parameters presently established on development platform 1. The approved butchery building sets the context for extending platform 1 across platform 2 to provide a single platform as indicated on the revised application plan.

The applicants believe that this change is acceptable. It is noteworthy that the revised platform would not result in buildings which would breach the height of the existing tree canopy. The submitted Tree Survey which included the trees located between the new building and the views from the link road establishes those to be Oak and Ash ranging between 17m and 20m tall with many with an anticipated lifespan of 20+ years to 40+ years.

Moreover, the development platform is located a comfortable distance (at least 100m) from the nearest corner of the land contemplated for residential use in accordance with the approved parameter plan associated with the outline grant of consent at the adjacent Chalcroft Farm development. A protected woodland (Round Copse SNCI) intervenes between these two areas, which includes 20m buffers either side. .

The area proposed for new housing at Chalcroft Farm is notably at a similar level, and therefore the issue raised in connection with the link road (namely a view from an elevated position as it transverses the higher land to the east) does not occur in views from the residential development land.

As anticipated in the new Local Plan (6.5.48), the landscape and development framework for the proposals at Chalcroft Farm will bring about a significantly changed context for the new development, which will no longer be an isolated commercial site in the countryside but one properly integrated with the built form of the wider Horton Heath area, including further commercial proposals.

The proposed development platform lies in a central position at the axis of the Chalcroft Business Park. Indicative block images showing two new units on the new development platform built in compliance with the revised perimeters might appear are submitted with this application. These can be compared with similar block visualisations of buildings reflecting the presently approved development platforms.

Amending the parameters in the manner sought will allow future proposals to come forward in accordance with the outline permission which accord with present market requirements. Changes in circumstances (in particular the construction of the link road and butchery building), demonstrate that the development platform is able to accommodate compliant buildings without undue harm, allowing the applicant to deliver on the Council's policy aspirations for this site. The submitted photographs demonstrate the well screened nature of the development platform area and how it sits in the context of an established Business Park, with the benefit of a recently adopted Local Plan policy supporting its development and integration with surrounding new development.

Legal compliance

The revised development platform parameters would not result in the submission of reserved matters that would otherwise be non-compliant with the terms or limitations introduced by the permission. The substitution of the revised development platform would not be about a variation to the terms of the operative part of the permission in the manner contemplated in *Finney v Welsh Ministers & Ors* [2019] EWCA Civ 1868.

In particular, the revised plot ratio for the single development platform (up to 48.8% over 13,173sqm) would support up to 6,420sqm of Class E(g)(ii)&(iii)/B8 floorspace, the amount authorised under the outline

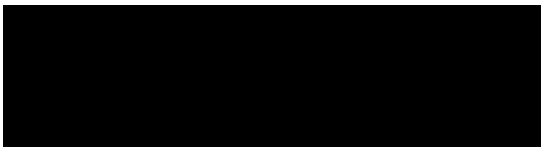
permission. This compares to 49% over 8,459sqm (platform 1) and 47.5% over 4,174sqm (platform 2), supporting 6,384sqm.

S106 matters

Planning permission F/18/83945 was granted subject to s106 legal agreement. The proposed amendment to conditions would create a new planning permission. The applicant would be content to enter into a supplementary Deed to ensure that any permission issued under s73 would be subject to the undischarged obligations under the Agreement.

We trust that the Council will be able to support the applicants' continued investment in this strategically important Business Park site, now connected with the strategic road network in a manner which supports and continued and effective operation, for the wider benefit of the Borough economy.

Yours sincerely,



Craig Noel BS MSc DipUP MRTPI
Director

Encls. Drawing CBP-BSL-ZZ- XX-DR- A-2006-PL
Appendix A – photographs
Appendix B – block images revised development platform
Appendix C – block images, consented development platform